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Manual of the Missouri

Food and Drug Department

Containing

**Food, Drug and Dairy Laws
Definitions, Rules and
Regulations**



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JAN 7 1922

C. S. PRATHER, Commissioner
JEFFERSON CITY, MISSOURI
January, 1922



MANUAL OF THE MISSOURI

Food *and* Drug Department

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FOOD, DRUG AND DAIRY LAWS
DEFINITIONS, RULES AND
REGULATIONS



Compiled and revised to date by
E. L. BARNHOUSE, M. D.
COMMISSIONER FROM APRIL, 1917
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C. S. PRATHER, *Commissioner*
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A Word to the Public

Administration and enforcement of the food and drug laws of the State of Missouri is vested in administered and enforced by and under the direction of the State Food and Drug Commissioner. It shall be his duty to enforce all laws that now exist or that may hereafter be enacted, regarding the production, manufacture or sale of any food product or any ingredients that are used in the preparation of foodstuffs, or the misbranding of same. The commissioner, deputy commissioner, or the inspectors shall inspect any article of food or drug manufactured, kept, stored, or offered for sale in this state, which they have reason to believe is impure, unhealthful, adulterated or misbranded and they shall have power to arrest and prosecute, or cause to be arrested and prosecuted, any person or persons engaged in the manufacture or sale of foods or drugs or any ingredients used in the manufacture of same which are contrary to the laws of the State of Missouri. It shall be the duty of the State Food and Drug Commissioner to make complaint of such violation in the proper county and furnish the prosecuting attorney with the evidence thereof, and obtain conviction for the offense charged.

The Food and Drug Commissioner desires to assure the public that its interests will be fully guarded and every assistance offered to the end that the law may be fairly and impartially enforced. He bespeaks hearty co-operation between the department and the public and invites you to call to his attention or to the attention of the inspectors, such things as appear in doubt. Requests for instruction to enable an intelligent understanding of the law and rules and regulations will be given prompt attention.

Where dealers or jobbers have reason to believe that foods or drugs are fraudulently adulterated or misbranded they should correspond with the Food and Drug Commissioner at Jefferson City. The matter will be taken up immediately in a way that will prove satisfactory to all parties concerned.

The Commissioner will exercise discretion when samples of foods and drugs are sent to his office with the request that same be analyzed and the result of the analysis given to the sender of the

sample. There are two reasons why these requests cannot in every instance be granted:

(1) With the limited laboratory facilities, the chemist would soon be overwhelmed with samples the analysis of which would be of little or no value in the enforcement of the food and drug laws, and

(2) Many would take advantage of this opportunity and request analyses. The chemist's reply would then be used for advertising purposes.

Several miscellaneous statutory provisions found in the Revised Statutes of 1919 are quoted hereafter.

Every person or corporation in charge of, or in control of, or in authority over any of the places mentioned by and described in these regulations shall be responsible for the condition thereof, and it shall be his or its duty to see that the provisions of these regulations with reference to the condition, arrangement and conduct of such places are carried out.

The Commissioner or inspector or agent or police officer of any city shall have full power at all times to enter and inspect every building, room, basement or cellar occupied or used for the production or sale, manufacture for sale, storage, sale, distribution or transportation of foods and drugs, and all utensils, fixtures, furniture and machinery used as aforesaid; and if upon inspection any food or drug-producing or distributing establishment, conveyance, employer, operative, employee, clerk, driver, or other person is found to be violating any of the provisions of the Food and Drugs Act approved March 15, 1907, or the act "creating the office of Food and Drug Commissioner, approved June 14, 1909, or the Revision of 1919, or the rules or regulations promulgated thereunder, or if the producing, preparation, manufacture, packing, storing, sale, offering for sale, distribution or transportation of food is being conducted in a manner detrimental to the health of the employes and operatives and to the character or quality of the food or drugs therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the examination or inspection shall furnish notice of said violation to the offender, and shall report such conditions and violations to the Commissioner of Food and Drugs, who shall issue an order in writing to the person or persons in authority at the aforesaid establishment to abate the condition or violation, or make any such

improvements as may be necessary to abate them, within a period of five days, or such reasonable time as may be required in which to abate them.

The sidewalk display of food products is prohibited unless such products are enclosed in a showcase or similar device which will protect the same from flies, dust, or other contamination; provided, that food products that necessarily have to be peeled, pared or cooked before they are fit for consumption may be displayed on the sidewalk; provided, that in such display the bottom of the container be at least eighteen inches above the surface of the sidewalk; **BUT THE SIDEWALK DISPLAY OF MEAT OR MEAT PRODUCTS IS PROHIBITED.**

Confectionery, dates, figs, dried fruits, berries, butter, cheese and bakery products while on sale or display are required to be properly screened or covered to effectively protect the same from contamination or damage by flies, dust, vermin, or other means.

“Person” Defined

The word “person” as used in this manual, shall mean and include individuals and employes or agents of individuals, firms and members of firms and their employes and agents, corporations and officers of corporations and their employes and agents.

Sec. 5729. Food and drug commissioner to be appointed—term—vacancy.—Within thirty days after this article shall take effect, the governor, by and with the advice and consent of the senate, shall appoint a suitable person to be food and drug commissioner, which office is hereby created, and which commissioner so appointed shall hold office until the first day of February, 1913, and until his successor is appointed and qualified. At the regular session of the legislature in 1913, and every four years thereafter, the governor, by and with the advice and consent of the senate, shall appoint a drug and food commissioner, who shall hold office for a term of four years from the first day of February of the year of his appointment and until his successor is appointed and qualified. Said commissioner shall be subject to removal by the governor for cause, and in case of vacancy in said office from any cause, the governor shall appoint another person to fill the same for the unexpired term. (R. S. 1909, § 6606.)

Sec. 5730. Oath—bond—salary.—Before entering upon the duties of his office the person appointed as food and drug commissioner shall make and subscribe and file in the office of the secretary of state the oath of office prescribed by the Constitution, and shall give bond to the state in the sum of ten thousand dollars, with sureties to be approved by the governor, conditioned for the faithful performance of his duties. Said Commissioner shall receive a salary of two thousand dollars a year, payable in monthly installments, and his actual necessary traveling expenses while in the discharge of his official duties. (Laws 1913, p. 351.)

Sec. 5731. Powers and duties—deputy.—The said commissioner shall have power to appoint a deputy, who shall have the same powers as the commissioner, and who shall receive a salary of twelve hundred dollars a year, payable monthly,

and necessary traveling expenses. Said commissioner shall be allowed clerk hire to an amount not to exceed fifty dollars a month, and may also appoint, from time to time, such inspectors as the proper performance of the duties of his office may require, not exceeding six in number. They shall be paid at the rate of one thousand dollars per year for time actually employed, payable monthly, and actual expenses incident to the discharge of their duties. The persons so appointed shall have power to administer oaths in matters relative to the food and drug laws, and shall have the same right of access to the places to be inspected as the said commissioner or his deputy. The said deputy and inspectors shall hold office during the pleasure of the commissioner, and shall take and subscribe the oath of office and give bond to the state in such sum and with such sureties as may be approved by the commissioner, conditioned for the faithful performance of their respective duties. The necessary chemical work of the office shall be done by or under the supervision of the chemist of the state experiment station. (R. S. 1909, § 6608.)

Sec. 5732. To inspect foods and drugs—to make rules.—It shall be the duty of the food and drug commissioner to enforce all laws that now exist or that may hereafter be enacted regarding the production, manufacture or sale of any food products, or any ingredients that are used in the preparation of foodstuffs, or the misbranding of the same; and personally, or by his assistants, inspect any article of food or drug made or offered for sale in this state which he may, through himself or his assistants, suspect or have reason to believe is impure, unhealthful, adulterated or misbranded, and shall have power to arrest and prosecute, or cause to be arrested and prosecuted, any person or persons engaged in the manufacture or sale of foods or drugs or any food ingredients contrary to the laws of this state. Said commissioner shall make rules and regulations for carrying out the provisions of this article, and such rules and regulations shall conform as nearly as practicable to the rules and regulations established for the enforcement of the act of congress, approved June 30, 1906, and known as the food and drug act. (R. S. 1909, § 6609.)

Sec. 7733. To make purchase of foods or drugs offered for sale and make analysis—by whom tested—penalty for obstructing inspection.—The food and drug commissioner, his deputy, or

any one by him appointed, is hereby authorized and empowered to enter during business hours, in the performance of his duties, any factory, store, salesroom, warehouse, laboratory, drug store or any other place where food or drugs are stored or exposed for sale, or place where they have reason to believe such foods or drugs are kept or offered for sale; and he may, in lawful manner, procure samples of the said articles of food or drugs, or imitation thereof, suspected of being made or sold in violation of law, and cause the same to be analyzed or satisfactorily tested by the chemist of the state experiment station; and such analysis or test shall be recorded and preserved as evidence, and the certificate of such analysis or test, when sworn to by such chemist, shall be admitted as evidence of the facts therein contained in all prosecutions that may result from such violations, and it shall be the duty of said commissioner to make complaint of such violation in the proper county and furnish the prosecuting attorney with the evidence thereof, and obtain a conviction for the offense charged. And in the discharge of his duties said commissioner, his deputy and assistants, shall have power to open any cask, tub, jar, bottle or package containing or supposed to contain any article of food or drugs, and examine, or cause to be examined, the contents thereof, and take therefrom samples in the presence of at least one witness; and he shall, in the presence of such witness, mark or seal such samples, and shall tender, at the time of taking, to the manufacturer or vendor of such food or drug, or to the person having the custody of the same, the value thereof; samples may be purchased in the open market or at the factory, and if in bulk the marks, brands or tags upon the package, carton, wrapper or other container and the accompanying printed or written matter shall be noted. The collector shall also note the names of the vendor and agent through whom the sale was actually made, together with the date of the purchase. Samples shall be divided into three equal parts; each part shall be labeled with identifying marks. One of the parts shall be delivered to the person from whom the purchase was made, or, if a guaranty has been given, such part shall be delivered to the guarantor. One of the parts shall be sent to the chemist of the state experiment station and one part shall be held under seal by the commissioner. The parts of the sample so divided shall be sealed by the collector with a

seal provided for that purpose. Any person who shall obstruct the commissioner, or any of his assistants, by refusing to allow him entrance to any place which he desires to enter in the discharge of his official duty, or refuse to deliver to him a sample of any article of food or drug made, sold, offered or exposed for sale by such person when the same is requested and when the value thereof is tendered, shall be guilty of a misdemeanor, punishable by a fine of not exceeding fifty dollars for the first offense and not exceeding five hundred dollars nor less than fifty dollars for each subsequent offense. (R. S. 1909, § 6610.)

Sec. 5734. Duty of prosecuting attorney.—It shall be the duty of the prosecuting attorney in any county or city in the state, when called upon by the commissioner, or any of his assistants, to render any legal assistance in his power to execute the laws and to prosecute cases arising under the provisions of this article. (R. S. 1909, § 6611.)

Sec. 5735. Notice of finding—hearing—judgment—sale—appeal—costs.—When the examination of the samples of the food and drugs mentioned in section 5733, of this article and chapter, shows that the provisions of this article and of article 1 have been violated, the said commissioner shall first cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained, and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer, or other dealer. The parties so notified shall be given opportunity to be heard under such rules and regulations as may be prescribed by the state food and drug commissioner; the notice shall specify the date, hour, and place of the hearing. The hearing shall be private, and shall take place at the office of the commissioner, or some other place in the state designated by him, and the parties interested therein may appear in person or by attorney. If the party whose name appears upon the label resides without the state, he shall be entitled to reasonable notice by mail at the address given upon the said label, or at such address as the commissioner may be able to obtain. If, after such hearing, it appears to the said commissioner that the said food or drug is adulterated or misbranded, or is a substitute or imitation, within the meaning of any law providing against the adulteration, misbranding, imitation or substitution of food or drugs, the said commis-

sioner or his deputy, or any person by him duly authorized, shall make complaint before any justice of the peace having jurisdiction in the city, village or township, if the value of the goods from which the said sample is taken shall not be greater than the amount within the jurisdiction of the said justice, and the said justice shall thereupon issue his summons to the person in possession of the said goods directing him to appear not less than five or more than ten days from the date of issuing the said summons, and show cause why said goods shall not be condemned and disposed of. If the said persons cannot be found said summons shall be served upon the person then in possession of the goods. The said summons shall be served at least five days before the time for appearance mentioned therein. If the said persons cannot be found, and no one can be found in possession of the said goods, and the defendant shall not appear on the return date, then the said justice of the peace shall proceed in the said cause, and in the same manner, as provided by law where a writ of attachment is returned not personally served upon any of the defendants, and none of the defendants appear upon the return day, unless cause to the contrary thereof be shown, or if said goods shall be found upon trial to be in violation of any of the provisions of this article or other laws which may now exist or which may be hereafter enacted, and it shall be the duty of the said justice of the peace to render judgment that the said property be forfeited to the state of Missouri, and that said goods be destroyed or sold for any purpose other than to be used as food. The mode of proceeding before said justice of the peace shall be the same as, or as near as may be, in civil proceedings before justices of the peace. Either party may appeal to the circuit court as appeals are taken from justices' courts but it shall not be necessary for the state to give an appeal bond. The proceeds arising from the sales shall be paid into the state treasury and credited to the general fund: *Provided*, that if the owner or party claiming the property or goods declared forfeited can produce and prove a written guarantee of purity, signed by the wholesaler, jobber, manufacturer or other person residing in this state, from whom said articles were purchased, then the proceeds of the sale of such articles, over and above the cost of forfeiture and sale, including witnesses fees, shall be paid over to such owner or claimant, to reimburse him to the extent of such

surplus for his actual loss resulting from such forfeiture as shown by the invoice. Where the value of the said goods from which the samples are taken exceeds the jurisdiction of the justice of the peace, complaint shall be made to the circuit court having jurisdiction in the city, village or township, and the proceedings thereafter shall be the same as those thereinbefore mentioned before the justice of the peace. Either party shall have the right to appeal from any ruling made by the said court as provided by the Statutes of Missouri regulating appeals from the said courts, but it shall not be necessary for the state to give an appeal bond. All proceedings under this section shall be brought in the name of the state of Missouri and all sales of said goods found upon trial to be in violation of the provisions of the laws of this state which now exist, or may hereafter be enacted, shall be made by the constable of said district, in the event of the proceeding being brought before the justice of the peace or by the sheriff of the county where the judgment is rendered by the circuit court. A reasonable charge may be allowed by the said justice or circuit court for the storage of the said goods pending a final judgment, and which shall be taxed as costs in the cause. (Laws 1919, p. 367.)

Sec. 5736. Notice by publication.—After judgment of the court, notice by publication shall be given in such manner as may be prescribed by the rules and regulations aforesaid. If an appeal be taken from the judgment of the court before such publication, notice of that fact shall accompany the publication. (R. S. 1909, § 6613.)

Sec. 5737. Commissioner to report, to whom.—The commissioner shall make an annual report to the governor, on or before the first day of January of each year, which report shall be printed and published. Such report shall cover the work of his office for the preceding year, and shall show, among other things, the number of specimens of food products analyzed, and the report of the analyst upon each one when the analysis indicates the same to be contrary to law; the number of complaints entered against persons for violation of law relative to adulteration and misbranding of food and drugs; the number of convictions had, and the amount of fines imposed therefor; an account of the money received and expended by him and his assistants, together with such recommendations relative to the statutes in force as his experience may justify. The com-

missioner may also prepare, print and distribute a monthly bulletin containing the results of inspections, the results of analyses made, or caused to be made, with proper explanations of the same, and such other information as may come to him in his official capacity relating to the adulteration and misbranding of foods and drugs so far as he may deem of benefit and advantage to the public; also, a brief summary of the work done during the month by the commissioner and his assistants in the enforcement of the laws of the state; but not more than ten thousand copies of each of the monthly bulletins shall be printed, which printing shall be done by the state printer and shall be paid for in the same manner as other state printing. (R. S. 1909, § 6614.)

Sec. 5738. Commissioner to inspect food and drug manufactories—to prescribe rules and regulations for sanitary conditions of such.—It shall be the duty of the food and drug commissioner to inspect all places where food products or drugs are manufactured or are kept for sale, and prescribe rules and regulations for the sanitary conditions of such factories and places where food products and drugs are kept for sale, and shall have power to enforce all laws of this state relating to food and drugs, and in the discharge of his duties shall have the same power to serve criminal processes and make arrests as are now given to the sheriffs and marshals of this state. (R. S. 1909, § 6615.)

Sec. 5739. Disposition of articles on hand.—All articles, foods and drugs in the hands of the retailer and jobber when this law goes into effect may be sold in the condition in which they are found: *Provided*, such articles are branded to the effect that the same were on hand July 1, 1909. (R. S. 1909, § 6616.)

Sec. 5740. Term and duties of commissioner and his deputy—inspectors—duties, tenure, etc.—The term of office of the state food and drug commissioner shall expire on the first day of June, 1923, and thereafter the official term of the state food and drug commissioner shall be four years. The state food and drug commissioner shall have and exercise general supervision of enforcement of the food and drug laws of this state and direct the work of his deputy and the inspectors of his department. The tenure of office of the deputy food and drug commissioner shall be the same as that of the state food and drug commissioner. The inspectors of

the food and drug department shall hold office during the pleasure of the state food and drug commissioner. The state food and drug commissioner, his deputy and inspectors, respectively, shall have and receive the salaries now or hereafter fixed by law, and in addition thereto shall be reimbursed for expenses incurred while traveling in the necessary performance of official duty within or without this state, and the state food and drug commissioner, his deputy, or any inspectors designated by him, shall be entitled to reimbursement for expenses incurred in attendance upon any meeting of food and drug officials held anywhere in the United States. (Laws 1919, p. 362.)

Sec. 5741. Moneys collected paid into general revenue fund—salaries and expenses, how paid.—All moneys collected by the state food and drug commissioner, his deputy or inspectors, shall be paid into the state treasury, there to constitute a part of the general revenue fund. The state auditor is hereby directed to issue his warrant monthly upon the state treasurer for the payment of the salaries and expenses of the state food and drug commissioner, his deputy and inspectors. A detailed statement of the expenses incurred by the state food and drug commissioner, his deputy and inspectors, approved by the state food and drug commissioner, shall be filed with the state auditor before warrant is drawn for the payment of same by the state auditor. (Laws 1919, p. 362.)

Inspection

A careful inspection of any market place, grocery store, general store, bakery, confectionery, butcher shop, slaughterhouse, dining car, cafe car, kitchen car, refrigerator car, cold storage plant or warehouse, hotel dining room and kitchen, cafe, restaurant, lunch counter, drug store or any other place where articles or commodities, intended for human food or for human consumption as medicine, are manufactured, sold, stored or prepared for sale or wherever food or drink is served. This inspection shall include a careful examination of all toilets, lavatories, sinks, cellar drains (special attention being given to the trapping and ventilation of sanitary fixtures to open air outside), dish washing sinks, rinsers, refrigerators, meat blocks, meat cutters, saws, knives, cleavers, scales, scoops, drug mortars, bins, screens, floors, shelving and counters, also delivery wagons, delivery boxes and baskets and any and all utensils that may IN ANY WAY contaminate the food or drugs.

The Food and Drug Commissioner is authorized to close any of the above establishments where such place or places shall in his judgment be so kept and conducted as to constitute a menace to the public health by reason of dirt, filth or any other insanitary causes and to prescribe penalties for the interference with the Food and Drug Commissioner, his Deputy and Inspectors in the enforcement of the laws and regulations.

Whoever shall obstruct the Commissioner, his Deputy or Inspectors in the performance of his or their duties by refusing admittance to any place or places above enumerated, or shall refuse to obey any order of the State Food and Drug Commissioner, his Deputy or Inspectors, or who shall exhibit or expose for sale in any show window, or upon any sidewalk, any vegetables or other articles or commodities intended for human food, shall be deemed guilty of a misdemeanor. (R. S. Mo. 1919, Chapter 38, Article 2.)

Standards of Purity for Food Products, Established by the United States Department of Agriculture.

1. The standards are expressed in the form of definitions with or without accompanying specifications of limit in composition.

2. The main classes of food articles are defined before the subordinate classes are considered.

3. The definitions are so framed as to exclude from the articles defined substances not included in the definitions.

4. The definitions include, where possible, those qualities which make the articles described wholesome for human food.

5. A term defined in any of the several schedules has the same meaning wherever else it is used in this report.

6. The names of food products herein defined usually agree with existing American trade or manufacturing usage; but where such usage is not clearly established or where trade names confuse two or more articles for which specific designations are desirable, preference is given to one of the several trade names applied.

7. Standards are based upon data representing materials produced under American conditions and manufactured by American processes or representing such varieties of foreign articles as are chiefly imported for American use.

8. The standards fixed are such that a departure of the articles to which they apply, above the maximum or below the minimum limit prescribed, is evidence that such articles are of inferior or abnormal quality.

9. The limits fixed as standard are not necessarily the extremes authentically recorded for the article in question, because such extremes are commonly due to abnormal conditions of production and are usually accompanied by marks of inferiority or abnormality readily perceived by the producer or manufacturer.

Regulations Made by Commissioner

The sale of milk contaminated with dust, dirt, flies, etc., or deteriorated in any way, constitutes a violation of paragraph 6, section 5667, Revised Statutes 1919, of the State of Missouri, which provides that food shall be deemed adulterated "if it consist wholly, or in part, of a diseased, filthy, decomposed, putrid, infected, tainted, or rotten animal or vegetable substance."

Regulation I.

All consignments of food shipped into this state which in part are composed of a tainted, decomposed or rotten animal or vegetable substance can be delivered to the consignee by the shipper, but before being sold or delivered to his customers or the public by the latter, must be first carefully culled and the portions found to be tainted, decomposed or rotten set apart and destroyed. All consignees of food which contain articles so decayed as not to be fit for human consumption should promptly report same to this office, so that the examination can be made under the supervision of an inspector of this department.

Regulation II.

All articles of food which customarily are eaten raw or in an uncooked condition, such as fruits and all candies, pop corn, etc., must, while held for sale, be kept carefully protected from dust, dirt or flies, and all stores in which such articles are held for sale must be carefully screened. Whenever these articles are held for sale in open places, they must be kept in cases or receptacles which will absolutely protect them from contamination from dust, dirt and flies. This department will (while approving the placing of fans over such food) under no circumstances permit them to be regarded as substitutes for screens.

Regulation III.

Cleanliness of Cows.—Milch cows should be kept clean and healthy—particularly at the time of milking. Any of the animals appearing to suffer

from sickness or disorder of any kind should be promptly separated from the herd and examined by a competent veterinarian so as to guard against tuberculosis or other disease likely to cause danger to the consumers of its milk. The udders and flanks should be carefully wiped previous to milking.

Regulation IV.

Stables, Sheds, Etc.—These places should be well lighted, and kept clean and sanitary. The floors should be of hard and durable material, preferably concrete, guttered and grated to effective drainage; walls and ceilings should be whitewashed at necessary intervals, and the feeding of the cows so regulated as to prevent dust from being in the air at the time of milking.

Regulation V.

The Milk House.—The milk house should be at a sufficient distance from the stable to secure freedom from its odors, and should be kept free from dust, clean and sanitary, well lighted and always carefully screened.

Regulation VI.

Milkers.—The milker's hands should be carefully washed with clean soap and water, and dried with clean towels, immediately before milking. Special attention should be paid to clothes worn by milkers, which should be clean and free from dust; cheap overalls could very conveniently be used for this purpose, and these should be frequently washed.

Regulation VII.

Handling, Shipment and Delivery.—After the process of milking is completed, the milk should be immediately removed to the milk room, and thoroughly cooled. It should be kept in cold storage, and during transportation, and if bottled prior to delivery, the bottles should be packed in ice so as to prevent the development and growth of bacteria.

Regulation VIII.

Utensils.—All utensils used for the containing of milk should, prior to being used for the same, be carefully sterilized by steam or boiling water. Pails should be made of heavy tin with seams smoothed with solder.

*Laws of the State of Missouri Relating
to Druggists and Pharmacists*

REVISED TO DATE, 1919.

CHAPTER 29.

DRUGGISTS AND PHARMACISTS.

Sec. 4712. Unlawful to conduct a drug store except as herein provided.—It shall be unlawful for any person not licensed as a pharmacist within the meaning of this chapter to conduct or manage any pharmacy, drug or chemical store, apothecary shop or other place of business for the retailing, compounding or dispensing of any drugs, medicines, chemicals or poisons, or for the compounding of physicians' prescriptions, or to keep exposed for sale, at retail, any drugs, medicines, chemicals or poisons, except as hereinafter provided, or for any person not licensed as a pharmacist or assistant pharmacist within the meaning of this chapter to compound, dispense or sell at retail any drug, chemical, poison or pharmaceutical preparation upon the prescription of a physician or otherwise, or to compound physicians' prescriptions, except as an aid to or under the supervision of a person licensed as a pharmacist under this chapter. And it shall be unlawful for any owner or manager of a pharmacy or drug store, or other place of business, to cause or permit any other than a person licensed as a pharmacist or assistant pharmacist to compound, dispense or sell, at retail, any drug, medicine or poison, except as an aid to or under the supervision of a person licensed as a pharmacist or assistant pharmacist: *Provided, however,* that nothing in this section shall be construed to interfere with any legally registered practitioner of medicine or dentistry in the compounding or dispensing of his own prescriptions, nor with the exclusively wholesale business of any dealer who shall be licensed as a pharmacist or who shall keep in his employ at least one person who is licensed as a pharmacist, nor with the sale of poisonous substances which are sold exclusively for use in the arts, or for use as insecticides, when such substances are sold in unbroken packages bearing a label having plainly printed upon it the name of

the contents, the word poison and the names of at least two readily obtainable antidotes: *Provided further*, that in any village of not more than five hundred inhabitants, where there is no person licensed as a pharmacist within less than two miles of such village, the board of pharmacy may grant to any person who is licensed as assistant pharmacist a permit to conduct a drug store or pharmacy in such village, which permit shall not be valid in any other village than the one for which it was granted, and shall cease and terminate when the population of the village for which such permit was granted shall become greater than 500: *Provided, however*, that nothing in this section shall be so construed as to apply to the sale of patent and proprietary medicines, and in any locality where there is no licensed pharmacist or assistant pharmacist, the ordinary household remedies and such drugs or medicines as may be specified by the board of pharmacy shall be permitted to be sold by those engaged in the sale of general merchandise: *Provided further*, that nothing in this section shall be so construed as to prevent any person, firm or corporation from owning a pharmacy, drug or chemical store or apothecary shop, providing such pharmacy, drug or chemical store or apothecary shop shall be in charge of a licensed pharmacist. (Laws 1909, page 472.)

Sec. 4713. Renewal of license, when—application for license—examination.—Every person now licensed or registered as a pharmacist under the laws of this state shall be entitled to continue in the practice of his profession until the thirty-first day of December, 1909, and after such date shall be entitled to renewal of his license under the provisions of this chapter upon the presentation of an application for such renewal. Every person who shall hereafter desire to be licensed as a pharmacist or assistant pharmacist shall file with the secretary of the board of pharmacy an application, duly verified under oath, setting forth the name and age of the applicant, the place or places at which, and the time spent in the study of the science and art of pharmacy, and the experience in the compounding of physicians' prescriptions which the applicant has had under the direction of a legally licensed pharmacist, and shall appear at a time and place designated by the board of pharmacy and submit to an examination as to his qualifications for registration as a licensed pharmacist or assistant pharmacist. (Laws 1909, page 472.)

Sec. 4714. Qualification of pharmacists and assistant pharmacist.—In order to be licensed as a pharmacist within the meaning of this chapter, an applicant shall be not less than twenty-one years of age, and, if his application be filed with the secretary of the board of pharmacy on or after the first day of January, 1912, he shall have been licensed as an assistant pharmacist for not less than two years prior to his application for license as a pharmacist, and he shall present to the board satisfactory evidence that he has had four years' experience in pharmacy under the instruction of a licensed pharmacist, and shall pass a satisfactory examination by or under the direction of the board of pharmacy: *Provided*, that if the applicant for a license as a pharmacist be a graduate of a school or college of pharmacy, whose requirements for graduation are satisfactory to and approved by the board of pharmacy, it shall not be required that he pass any examination or that he shall have been an assistant pharmacist. In order to be licensed as an assistant pharmacist, within the meaning of this chapter, an applicant shall be not less than 18 years of age, shall have a sufficient preliminary general education, and shall have not less than two years' experience in pharmacy under the instruction of a licensed pharmacist, and shall pass a satisfactory examination by or under the directions of the board of pharmacy: *Provided, however*, that in the case of persons who have attended a reputable school or college of pharmacy the actual time of attendance at such school or college of pharmacy may be deducted from the time of experience required of pharmacists and assistant pharmacists. (Laws 1909, page 472.)

Sec. 4715. Board may refuse to grant or revoke license, when—applicant may appeal.—If the applicant for license as a pharmacist or assistant pharmacist has complied with all the requirements of the two preceding sections, the board of pharmacy shall enroll his name upon the register of pharmacists or assistant pharmacists and issue to him a license which shall entitle him to practice as pharmacist or assistant pharmacist for a period of one year from the date of said license. The board of pharmacy may refuse to grant a license to any person guilty of felony or gross immorality, or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practice pharmacy; and the board of pharmacy

may, after due notice and hearing, revoke a license for like cause, or any license which has been procured by fraud. An appeal from the action of the board in refusing to grant or in revoking a license for such cause may be taken to the governor and attorney-general, the decision of which officers, either affirming or overruling the action of the board, shall be final. (Laws 1909, page 472.)

Sec. 4716. License may be issued without examination to applicants who have been registered or licensed in other states or countries.—The board of pharmacy may issue license to practice as pharmacists or assistant pharmacists in this state without examination to such persons as have been legally registered or licensed as pharmacists or assistant pharmacists in other states or foreign countries: *Provided*, that the applicant for such license shall present satisfactory evidence of qualifications equal to those required from licentiates in this state, and that he was registered or licensed by examination in such other state or foreign country, and that the standard of competence required in such other state or foreign country is not lower than that required in this state; *and provided also*, that the board is satisfied that such other state or foreign country accords similar recognition to the licentiates of this state. Applicants for license under this section shall, with their application, forward to the secretary of the board of pharmacy the same fees as are required of other candidates for license. (Laws 1909, page 472.)

Sec. 4717. License to be conspicuously exposed in drug store—renewal of license—penalty for refusal to renew license—name of owner or manager of drug store to be displayed outside.—Every certificate of license to practice as pharmacist, and every permit to an assistant pharmacist to conduct a drug store in villages of not more than 500 inhabitants, and every renewal of such license or permit, shall be conspicuously exposed in the pharmacy or drug store or place of business of which the pharmacist or assistant pharmacist or other person to whom it is issued is the owner or manager or in which he is employed. Every licensed pharmacist or assistant pharmacist who desires to continue in the practice of his profession shall, within thirty days next preceding the expiration of his license or permit, file with the board an application for the renewal thereof, which application shall be accompanied by the fee hereinafter prescribed. If

the board shall find that the applicant has been legally licensed in this state and is entitled to a renewal of license, or to a renewal of such permit, it shall issue to him a certificate attesting that fact. If any pharmacist or assistant pharmacist shall fail, for a period of sixty days after the expiration of his license, to make application to the board for its renewal, his name shall be erased from the register of licensed pharmacists or assistant pharmacists, and such person, in order to again become registered as a licensed pharmacist or assistant pharmacist, shall be required to pay the same fee as in the case of original registration: *Provided*, that no application for the renewal of a license shall be granted after a period of two years after its expiration, and if any pharmacist or assistant pharmacist fail within that time to make application to the board for a renewal of his license, he shall be subject to all of the provisions of this chapter regulating the issuance of license. The name of the owner or responsible manager of every pharmacy, drug store or apothecary shop shall be conspicuously displayed upon the outside of such place of business. (Laws 1909, page 472.)

Sec. 4718. Creation and appointment of board of pharmacy.—The board of pharmacy shall consist of five persons not connected with any school of pharmacy, licensed as pharmacists and actively engaged in the practice of pharmacy within this state, who shall be appointed by the governor, with the approval of the senate, and who shall hold their office for five years from the date of their appointment and until their successors shall have been appointed and qualified. The members of the board first appointed shall hold their office for one, two, three, four and five years, respectively, as shall be designated in their several commissions. Annually the Missouri pharmaceutical association may submit to the governor the names of five persons licensed as pharmacists within this state, and from this number, or from others, the governor, with the approval of the senate, shall appoint one member to fill the vacancy annually occurring in the board of pharmacy, and vacancies occurring from any other cause shall be filled in like manner. The members of the present board of pharmacy shall continue in office until the expiration of their respective terms, and the vacancies thus occurring shall be filled as previously designated. (Laws 1909, page 472.)

Sec. 4719. Board of pharmacy to organize annually—secretary to give bond.—Annually the board of pharmacy shall organize by the election of a president and secretary, both of whom shall be members of the board, who shall hold their offices for one year and until their successors shall have been elected and qualified. The secretary shall give a bond in such sum as may be prescribed by the board, conditioned upon the discharge of the duties of his office according to law. (Laws 1909, page 472.)

Sec. 4720. Board of pharmacy to adopt rules and by-laws—duties of board.—The board of pharmacy shall have a common seal, and shall have power to adopt such rules and by-laws not inconsistent with law as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed under this statute, and shall have power to employ an attorney to conduct prosecutions or to assist in the conduct of prosecutions under this chapter. The board shall keep a record of its proceedings and a register of all persons to whom certificates of license as pharmacists and assistant pharmacists and permits have been issued, and all renewals thereof; and the books and register of the board, or a copy of any part thereof certified by the secretary, attested by the seal of the board, shall be accepted as competent evidence in all the courts of this state. The board of pharmacy shall make annually to the governor and to the Missouri pharmaceutical association a written report of its proceedings and of its receipts and disbursements under this chapter, and of all persons licensed to practice as pharmacists and assistant pharmacists in this state. A majority of the board shall constitute a quorum for the transaction of business. The president and secretary shall have the power to administer oaths in all matters pertaining to the examination and registration of pharmacists and assistant pharmacists. (Laws 1909, page 472.)

Sec. 4721. Compensation of secretary and other members of board—fees collected to be paid into state treasury monthly—compensation of secretary and board to be paid out of fees collected.—The secretary shall receive such salary as may be prescribed by the board of pharmacy, and his necessary expenses, while engaged in the performance of his official duties. The other members shall receive the sum of five dollars for each day actually employed in the discharge of their official duties, and

their necessary expenses while engaged therein. All fees collected by the secretary for the examination of pharmacists and assistant pharmacists and for the issuing of the permits authorized by this chapter, and for the renewal of certificates of registration and permits, and all other funds collected by the secretary of the board of pharmacy under this chapter shall by him be covered into the state treasury monthly, and shall be placed to the credit of a fund which is hereby appropriated for the use of the board of pharmacy. The compensation and expenses of the secretary and members of the board of pharmacy, and all expenses incurred by the board in carrying into execution the provisions of this chapter, shall be paid out of said fund upon the warrant of the auditor of state, issued upon requisition, signed by the president and secretary of the board. (Laws 1909, page 472.)

Sec. 4722. Prosecution of offenders.—Upon receiving information that any provision of this law has been or is being violated, the secretary of the board of pharmacy shall investigate the matter, and upon probable cause appearing, shall, under direction of the board, file a complaint and prosecute the offender therefor. It shall be the duty of the prosecuting attorney, upon request of the secretary, to take charge of and conduct such prosecutions. All fines assessed and collected under prosecutions begun or caused to be begun under this chapter shall be paid to the secretary, and by him covered into the state treasury monthly. (Laws 1909, page 472.)

Sec. 4723. Fees to be charged by the board of pharmacy.—The board of pharmacy shall be entitled to charge and collect the following fees: For the examination of an applicant for license as a pharmacist, \$5.00; for the examination of an applicant for a license as an assistant pharmacist, \$3.00; for renewing the license of a pharmacist, \$1.00; for renewing the license of an assistant pharmacist, \$1.00; for issuing a permit to an assistant pharmacist to conduct a drug store in villages of not more than 500 inhabitants, \$2.00. All fees shall be paid before any applicant may be admitted to examination or his name placed upon the register of pharmacists or assistant pharmacists, or before any license or permit, or any renewal thereof, may be issued by the board. (Laws 1909, page 472.)

Sec. 4724. Regulation of sale of poisons.—It shall be unlawful for any person to retail any poisons

enumerated in schedules "A" and "B," except as follows: Schedule "A"—arsenic and its preparations, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and all other poisonous vegetable alkaloids and their salts, and the essential oil of bitter almonds. Schedule "B"—opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce, aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, veratrum, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, corrosive sublimate, red precipitate, white precipitate, mineral acids, carbolic acid, oxalic acid, without labeling the box, vessel or paper in which the said poison is contained, and also the outside wrapper or cover with the name of the article, the word "poison" and the name and place of business of the seller. Nor shall it be lawful for any person to sell or deliver any poisons enumerated in schedules "A" and "B" unless, upon due inquiry, it be found that the purchaser is aware of its poisonous character and represents that it is to be used for legitimate purposes. Nor shall it be lawful for any registered pharmacists to sell any poisons included in schedule "A" without, before delivering the same to the purchaser, causing an entry to be made in a book kept for that purpose, stating the date of sale, name and address of purchaser, the name of poison sold, the purpose for which it was represented by the purchaser to be required and the name of the dispenser—such book to be always open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poison in not unusual quantities or doses upon the prescriptions of practitioners of medicine. Nor shall it be lawful for a licensed or registered druggist or pharmacist to retail, sell or give away any alcoholic liquors or compounds as a beverage. (Laws 1909, page 472.)

Sec. 4725. Prescriptions to be preserved.—Every proprietor or manager of a drug store or pharmacy shall keep in his place of business a suitable book or file, in which shall be preserved, for a period of not less than five years, the original of every prescription compounded or dispensed at such store or pharmacy, numbering, dating and filing them in the order in which they are compounded, and shall produce the same in court or before any

grand jury whenever thereto lawfully required. And upon request, the proprietor or manager of such store shall furnish to the prescribing physician, and may, except, when otherwise instructed by the prescribing physician, furnish to the person for whom such prescription was compounded or dispensed, a true and correct copy thereof, and said book or file of original prescriptions shall at all times be open for inspection by duly authorized officers of the law. (Laws 1909, page 472.)

Sec. 4726. Unlawful for one not licensed to use title of pharmacist or assistant pharmacist.—It shall be unlawful for any person not legally licensed as a pharmacist to take, use or exhibit the title of pharmacist, or licensed or registered pharmacist, or the title druggist or apothecary, or any other title or description of like import; and it shall be unlawful for any person not legally licensed as an assistant pharmacist to take, use or exhibit the title of assistant pharmacist or any other title or description of like import. (Laws 1909, page 472.)

Sec. 4727. Exempt from jury duty.—All persons licensed under this chapter as pharmacists or assistant pharmacists and actively engaged in the practice of their profession shall be free and exempt from jury duty in all the courts in this state. (Laws 1909, page 472.)

Sec. 4728. Penalties.—Whoever, not being licensed as a pharmacist, shall conduct or manage any drug store, pharmacy or other place of business for the compounding, dispensing or sale at retail of any drugs, medicines or poisons, or for the compounding of physicians' prescriptions, contrary to the provisions of section 4712 of this chapter, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than \$25.00 nor more than \$100.00, and each week such drug store or pharmacy or other place of business is so unlawfully conducted shall be held to constitute a separate and distinct offense. Whoever, not being licensed as a pharmacist or assistant pharmacist, shall compound, dispense or sell at retail any drug, medicine, poison or pharmaceutical preparation, either upon a physician's prescription or otherwise, and whoever being the owner or manager of a drug store, pharmacy or other place of business, shall cause or permit any one not licensed as a pharmacist or assistant pharmacist to dispense, sell at retail, or compound any drug, medicine, poison or physician's prescription, contrary to the provisions of

section 4712, shall be deemed guilty of misdemeanor, and, upon conviction thereof, shall be fined not less than \$10.00 nor more than \$100.00. Any license or permit or renewal thereof obtained through fraud or by any false or fraudulent representation shall be void and of no effect in law. Any person who shall make any false or fraudulent representation for the purpose of procuring a license or permit or renewal thereof, either for himself or for another, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$25.00 nor more than \$100.00, and any person who shall wilfully make a false affidavit, for the purpose of procuring a license or permit or renewal thereof, either for himself or for another, shall be deemed guilty of perjury, and, upon conviction thereof, shall be subject to like punishment as in other cases of perjury. Whoever being the holder of any license or permit granted under this chapter shall fail to expose such license or permit or any renewal thereof in a conspicuous position in the place of business to which such license or permit relates, or in which the holder thereof is employed, contrary to the provisions of section 4717, shall, upon conviction thereof, be fined not less than \$5.00 nor more than \$25.00, and each week that such license, permit or renewal shall not be exposed shall be held to constitute a separate and distinct offense. And whoever being the holder of any license or permit granted under this chapter shall, after the expiration of such license or permit, and without renewing the same, continue to carry on the business for which such license or permit was granted, contrary to the provisions of section 4717, shall, upon conviction thereof, be fined not less than \$5.00 nor more than \$25.00. Whoever shall violate any of the provisions of section 4724 shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$25.00 nor more than \$100.00. Whoever shall fail to preserve the original of any prescription or to produce the same when lawfully required, in accordance with the provisions of section 4725, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than \$50.00 nor more than \$100.00. Whoever, not being legally licensed as a pharmacist, shall take, use or exhibit the title of pharmacist, licensed or registered pharmacist, druggist, apothecary or any other title of similar import, contrary to the provisions of section 4726, and whoever, not

being legally licensed as an assistant pharmacist, shall take, use or exhibit the title of assistant pharmacist, or any other title of similar import, contrary to the provisions of said section 4726, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$10.00 nor more than \$50.00.

Sec. 4729. May sell or give away in what quantity, when.—No druggist, proprietor of a drug store or pharmacist shall, directly or indirectly, sell, give away or otherwise dispose of alcohol or intoxicating liquors of any kind in any quantity less than four gallons for any purpose, except on a written prescription, dated and signed, first had and obtained from some regularly registered and practicing physician, and then only when such physician shall state in such prescription the name of the person for whom the same is prescribed, and that such intoxicating liquor is prescribed as a necessary remedy: *Provided*, that any druggist or pharmacist may sell or give away, in good faith, any wine for sacramental purposes; *provided further*, that any druggist may sell alcohol in less quantities than four gallons for art, mechanical and scientific purposes, but only on a written application signed by a person known to the druggist to be a mechanic, scientist or artist, in which application shall be stated the purpose for which alcohol is to be used. Any druggist who shall violate any of the provisions of this section, or any person who shall make a false statement in an application for alcohol, shall be deemed guilty of a misdemeanor, and on conviction shall, for the first offense, be fined not less than one hundred nor more than five hundred dollars, and for a second offense shall, on conviction, in addition to such fine, have his certificate of registration as a pharmacist revoked. (R. S. 1909, § 5781.)

Sec. 4730. Druggist to file list of prescriptions containing liquor—affidavit—penalty.—Every druggist, proprietor of a drug store or a pharmacist shall, on some day of the first week of each and every month, file with the county clerk of the county in which he is doing business a list of all prescriptions compounded by him or those in his employ, prescribing liquors during the preceding month. And said list shall be accompanied by an affidavit of the druggist, proprietor of a drug store or pharmacist, stating that said list so filed is a true list of all prescriptions filled by him or those in his employ during the preceding month. And on failing, neglecting,

or refusing so to do, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not less than fifty nor more than two hundred dollars. (R. S. 1909, § 5782.)

Sec. 4731. Penalty for making false prescriptions, etc.—Any physician doing business as a pharmacist or druggist, and owning or operating a drug store or pharmacy, who shall write and permit the filling out at his own drug store or pharmacy of a prescription calling for intoxicating liquor, except the same is for the purpose and under the conditions mentioned in section 4729 of this chapter, shall be guilty of a misdemeanor, and on conviction shall have his certificate of registration as a druggist or pharmacist revoked as part of the judgment of the court, and in addition thereto be fined in a sum not less than one hundred dollars nor more than five hundred dollars. (R. S. 1909, § 5783.)

Sec. 4732. Prescription for intoxicating liquor, when given, etc.—penalty.—Any physician, or pretended physician, who shall make or issue any prescription to any person for intoxicating liquors in any quantity, or for any compound of which such liquors shall form a part, to be used otherwise than for medicinal purposes or who shall issue more than one prescription at the same time to any one for intoxicating liquors, or for any compound of which such liquors shall become a part, or who shall make or issue any prescription contrary to any existing law, shall be deemed guilty of a misdemeanor, and upon conviction be punished by a fine of not less than forty nor more than two hundred dollars. (R. S. 1909, § 5784.)

Sec. 4733. Intoxicating liquors not to be drunk on premises—penalty.—Any druggist or dealer in drugs and medicines who shall suffer alcohol or intoxicating liquors to be drunk at or about his place of business shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding six months. (R. S. 1909, § 5785.)

Sec. 4734.—It shall not be lawful for any druggist or other person to retail or sell or give away any cocaine, hydrochlorate or other salts of or any compound of cocaine, or preparation containing cocaine, or any salt of or any compound thereof, or opium, morphine, codeine or heroin, excepting upon the written prescription of a licensed physician or licensed dentist, or licensed veterinary surgeon,

licensed under the laws of the state, which prescription shall only be filled once: *Provided*, that the provisions of this section shall not apply to sales in the usual quantities at wholesale by any manufacturer or wholesale dealer when such manufacturer or wholesale dealer shall have affixed to the box, bottle or package containing such cocaine, hydrochlorate or other salt or compound of cocaine or preparation containing cocaine, or opium, morphine, codeine or heroin, a label specifically setting forth the proportion of cocaine, opium, morphine, codeine and heroin contained in any preparation: *Provided*, that the provisions of this section shall not be construed to apply to the sale, distribution, giving away, dispensing, or possession of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salts or derivatives of any of them in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce, or to liniments, ointments or other preparations which are prepared for external use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts: *Provided*, that such remedies and preparations are sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of this act.

Sec. 4735. Penalty for violating preceding sections.—Every person who shall be found guilty of violation of the provisions of section 4734 shall, for the first offense, be fined a sum not less than ten dollars nor more than fifty dollars, and for each subsequent offense not less than fifty dollars nor more than two hundred dollars, or imprisonment in the county jail not exceeding ninety days, or either or both, in the discretion of the court. (R. S. 1909, § 5787.)

Uniform Egg Law

Approved May 26, 1919.

AN ACT to provide for the regulation of traffic in eggs; to provide for the licensing of dealers in eggs; to prevent fraud and misrepresentation in dealing in eggs and to prevent the sale of eggs unfit for human food; and fixing penalties for violation, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. That no person, firm or corporation shall sell, or have in his possession with intent to sell, offer or expose for sale, or traffic in, any egg unfit for human food, unless the same is broken in shell and then denatured so that it cannot be used for human food. For the purposes of this act, an egg shall be deemed unfit for human food if it be addled or mouldy, a black rot, a white rot, or a blood ring; or if it has an adherent yolk, or a bloody or green white; or if it be incubated beyond the blood ring stage; or if it consist in whole or in part of a filthy, decomposed or putrid substance.

Sec. 2. That no person, firm or corporation shall, in buying or selling eggs, take or give a greater or less dockage for eggs unfit for food as defined in section 1 of this act than the actual dockage which has been determined by the careful candling of the eggs so purchased or sold, and he shall keep such candling records as may be required by the rules and regulations of the State Food and Drug Commissioner. All such records shall be open at all reasonable times for examination by the State Food and Drug Commissioner or inspectors of the State Food and Drug Department. The term "candling" as used herein shall be construed to mean the careful examination in a partially dark room or place, of the whole egg by means of a strong light, the apparatus and method employed to be such as shall be approved by the State Food and Drug Commissioner. Every person, firm or corporation engaged in the business of buying eggs in this state for resale or consignment shall provide and maintain an adequate place for the accurate candling of eggs and a suitable place for the proper handling of eggs which are intended to be used for human food.

Sec. 3. That there shall be placed on the top layer under the top flat of every case of candled eggs, by the person candling the same, a candling certificate. Such candling certificate shall be printed on cards or sheets of paper not smaller in size than $2\frac{3}{8} \times 4\frac{1}{4}$ inches and shall give the date of candling the eggs, and the name of the state and the license number of the person, firm or corporation for which the eggs were candled.

Sec. 4. That for the purpose of enforcing the provisions of this act it is hereby required that ten days after this act takes effect, any person, firm or corporation that shall engage in the business of buying, selling, dealing in or trading in eggs, including those retailers who buy direct from the producer and who sell in lots of one case or more, shall procure a license from the State Food and Drug Commissioner to conduct such business. Such officer, upon receipt of proper application upon forms such as he may prescribe, accompanied by an annual license fee of two dollars (\$2.00) for a person, firm or corporation that shall engage in the business of buying, selling, dealing in or trading in eggs in lots of less than one carload shall thereupon issue to such person, firm or corporation an annual license to engage in such business; and such officer, upon receipt of a proper application upon forms such as he may prescribe accompanied by a license fee of ten dollars (\$10.00) for a person, firm or corporation that shall engage in the business of buying, selling, dealing in or trading in eggs in lots of one carload or more, shall thereupon issue to such person, firm or corporation an annual license to engage in such business.

Sec. 5. That the State Food and Drug Commissioner shall enforce the provisions of this act and shall make suitable rules and regulations for carrying out the provisions. He shall determine the conditions under which eggs previously candled shall be recandled in order to safeguard the purchaser against buying as a part of a lot eggs unfit for human food.

Sec. 6. That any person, firm or corporation failing to comply with the requirements of, or violating any of the provisions of this act, shall be guilty of a misdemeanor, and shall upon conviction for the first offense be fined not less than fifteen dollars nor more than fifty dollars. For the second offense he shall be fined not less than fifty nor more than one hundred dollars, and for the third or any

subsequent offense, he shall be fined not less than one hundred nor more than two hundred dollars, and in addition to such fines, in the discretion of the court, for the first offense his license may be suspended for not more than thirty days; for the second offense not more than sixty days, and for the third or any subsequent offense his license may be revoked.

Sec. 7. That the words used in this act shall be construed to import the plural or singular, as the case demands.

Sec. 8. That all laws or sections of laws, and amendments thereto or thereof, now in force in this state, which may be in conflict with the provisions of this act are hereby repealed.

Sec. 9. There being no adequate law in this state regulating the traffic in eggs, and the sale of unwholesome eggs constituting a menace to the public health and endangering human life, creates an emergency within the meaning of the Constitution, therefore this act shall take effect and be in force from and after its approval by the governor.

Transacting Business Without a License

Sec. 3661. Transacting business without license, when a misdemeanor.—If any person shall carry on or transact any business or occupation without license therefor, when such license is required by any law of this state, he shall be deemed guilty of a misdemeanor, and when no other punishment is prescribed for such offense, be fined in any sum not exceeding one hundred dollars or be imprisoned in the county jail not exceeding three months, or both. (R. S. 1909, Sec. 4873.)

Relating to Eggs

Hucksters, local retail merchants or others must carefully candle every lot of eggs which they buy or sell.

They shall discard all eggs unfit for human consumption.

They shall pay for only good edible eggs.

Good eggs must be kept in a cool, dry, sanitary place until sold or shipped; eggs, if so kept and if shipped within five days after original date of candling, need not be recandled.

Fresh eggs are eggs of recent production, sweet, pure and unimpaired in quality.

The Legislature passed two separate laws, House Bill 677, known as the UNIFORM GOOD EGG LAW controlling traffic in eggs, and House Bill 833, known as the EGG-BREAKING LAW, controlling egg-breaking establishments. Both of these acts forbid the keeping, offering for sale, storing, shipping or HAVING IN YOUR POSSESSION eggs that are unfit for human food, unless they are cased and sealed with proper identifying strips to be shipped to TANNERS FOR TANNING PURPOSES ONLY.

Under the provisions of the UNIFORM GOOD EGG LAW, approved May 26, 1919, any person, firm or corporation that shall engage in the business of buying, selling, dealing in or trading in eggs, including those retailers who buy direct from the producer, shall procure a license from the State Food and Drug Department—\$2.00 for less than carload dealers and \$10.00 for carload dealers. If carload rates are obtained on a car of mixed poultry, eggs and other produce, that shipper will be construed to be a carload dealer. A CARLOAD RATE IS CONSTRUED TO MEAN A CARLOAD SHIPMENT, WITHOUT REGARD TO QUANTITY OF EGGS IN THE CAR. One license will not be sufficient for several establishments, but EACH AND EVERY PERSON dealing in eggs, INCLUDING HUCKSTERS, must have an individual license in the name of the person owning the business, and bearing the address of the place where the business is located. Each license bears a separate number and two licenses will not be issued to one person, firm or corporation in the same town, unless the specific address or a distinguishing number be given

or unless it is a huckster's license. Huckster's license must be made out in the name of the person, firm or corporation owning or operating the wagon, with the name of the town out of which the huckster operates, and license must be in possession of the huckster while in the discharge of his duties.

The producer on whose farm the eggs are produced is not required to have a license unless he buys eggs for resale, in which case he becomes a dealer and must comply with the law in every respect.

Every person, firm or corporation engaged in the business of buying eggs in this state for resale or consignment shall provide and maintain an adequate place for the accurate candling of eggs, and a suitable place for the proper handling of eggs which are intended for human food. **EGGS MUST BE CANDLED THE ENTIRE YEAR, FROM JANUARY FIRST TO DECEMBER THIRTY-FIRST.** If eggs are properly candled, however, kept in a cool dark place and shipped or sold within **FIVE** days from the original date of candling, they need not be recandled.

Candling certificates must be used, must be gummed and **PASTED** on the top flat or pasteboard cover on the top layer of eggs **INSIDE** of each case, and a duplicate pasted on the **OUTSIDE** of each case of eggs. These candling certificates must be cancelled when the eggs in the case in which and on which same are pasted have been removed from the case and disposed of. The intent of the law is to prevent unwholesome eggs from being placed upon the market for human food; and also to prevent candling out good eggs under the pretext that they are bad eggs and then putting these candled eggs on the market for good eggs.

A complete and accurate candling record must be kept in such form as will show when and where and for whom the eggs were candled, how many were in the shipment, what the dockage was in each lot and how many candled out as unfit for human food; disposition of **BAD EGGS**, as well as disposition of **GOOD EGGS**.

The **LAW** forbids the keeping, offering for sale, storing, shipping or **HAVING IN YOUR POSSESSION** eggs that are unfit for human food, except as above specified. Under the proper construction of these laws the Commissioner of the Food and Drug Department has ruled that merchants must not return, in the shell form, to the farmer or other persons offering them for sale, any eggs which

candle out as not fit for human food, unless they are broken and denatured as the law requires. A small amount of coal oil added to these eggs renders them unfit for human food and does not prevent them from being used for stock or poultry.

It is the intention of this Department to rigidly enforce the provisions of the egg law in every particular. Sufficient time has elapsed since these laws were passed to allow all dealers in eggs to become acquainted with same and all who deal in eggs without a license and all who do not candle, do so at their own risk and are violators of the law. Please note Section 6 (the penalty clause) of the Uniform Good Egg Law.

If you desire EGG LICENSE make application to the FOOD AND DRUG DEPARTMENT, accompanied by a certified check or money order made payable to the Commissioner.

Ice Cream Law

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Defining ice cream.—That ice cream is a dairy product and a frozen mixture made of milk and cream or the products thereof; with sugar, stiffeners, flavors or extracts, and with or without certified coloring and containing not less than eight per cent. milk fat. Ice cream, as in this section defined, and the various ingredients thereof, shall be free from filth, manure or other harmful or disease-bearing germs or any element, ingredient or constituent deleterious to health. The manufacture or sale in this state of ice cream having a milk fat content less than required by this act, or containing any filth, manure or other harmful or disease-bearing germs or any element, ingredient or constituent deleterious to health shall be unlawful.

Sec. 2. Manufacture under permit.—After the taking effect of this act it shall be unlawful to make, manufacture, or in any manner produce any ice cream without first obtaining a permit from the State Food and Drug Commissioner as in this act required. This act shall not be construed to prohibit the resale of ice cream by persons purchasing the same from any lawful holder of such permit, or to prohibit the sale of ice cream by persons purchasing the same from any manufacturer in any other state, whose factory, plant, building, premises, equipment and method of conducting business, conforms to the schedule adopted under authority of this act for inspecting and grading ice cream factories, plants, buildings, premises, equipment, and method of conducting business.

Sec. 3. Permit shall be displayed—how issued.—Every permit herein required shall, during the period for which same is issued, be conspicuously displayed in the office or place of business of the legal holder thereof. Applications for such permit shall be made to the State Food and Drug Commissioner on a blank prescribed by him for that purpose, accompanied by the state treasurer's receipt for the fee required by law. Such permits shall expire on the thirtieth day of June next following day of issuance thereof. Before issuing any permit, as herein authorized, the State Food and

Drug Commissioner, one of his deputies or inspectors, shall inspect and grade the factory, plant, premises, buildings, equipment and method of conducting the business of the applicant, and no permit shall be issued unless same shall score at least fifty points on the method employed, and twenty-five points on the equipment used, in accordance with any schedule which may hereafter be adopted as authorized by section 5 of this act, for the inspection and grading of ice cream factories, plants, buildings, premises, equipment and method of conducting business.

Sec. 4. Annual fee required of dealers.—Each wholesale manufacturer of ice cream shall pay an annual fee of one hundred dollars for a permit to conduct his business, and each retail manufacturer of ice cream shall pay an annual fee of five dollars for a permit to conduct his business. Such fees shall be paid into the state treasury, and there constitute a fund to be known as the “ice cream inspection fund” and shall, as authorized by the general assembly, be used by the State Food and Drug Commissioner, for the purpose of defraying the expenses necessary and incident to the enforcement of this act, and for no other purpose. For the purpose of this act, the term “wholesale manufacturer” shall include every manufacturer of ice cream who sells at wholesale for resale, and the term “retail manufacturer” shall include every manufacturer who manufactures and sells ice cream at retail; *provided* that nothing in this act contained shall be so construed as to require a permit to authorize persons or committees not otherwise engaged in the manufacture of ice cream, to manufacture and make ice cream for their own use or for the purpose of sale at picnics, church socials or other entertainments of like character; or to require a permit to authorize persons to make, or manufacture, ice cream in any city, or town, in this state which now has, or may hereafter have, a population of less than two thousand, and whose manufacturing operations, and whose factories or premises, are, or will be, subject to inspection by the State Food and Drug Commissioner or any other state official under any law now or hereafter in force in this state.

Sec. 5. State Food and Drug Commissioner to grade and regulate factories.—That the State Food and Drug Commissioner shall have power and he is hereby authorized to adopt a schedule for grading factories, plants, buildings, premises,

equipment and method of conducting the business of ice cream manufacturers; *provided*, that in the event of the adoption by the United States Department of Agriculture of a schedule for grading such factories, plants, buildings, premises, equipment and method of conducting the business of ice cream manufacturers, the State Food and Drug Commissioner may adopt the same, with such supplemental schedule not in conflict with that adopted by the United States Department of Agriculture as in the judgment of the State Food and Drug Commissioner may be necessary for the effectual enforcement of this act.

Sec. 6. Samples for testing to be furnished on request.—It shall be the duty of every person, firm, company, copartnership, or corporation to whom this act applies, at the request of the State Food and Drug Commissioner, to furnish such samples of ice cream as the State Food and Drug Commissioner may require for the purpose of analysis. Every such sample shall be taken from an unbroken package, or at the factory or plant where manufactured or produced, and one-half thereof shall, under the seal of the State Food and Drug Commissioner, be kept, packed in salt and ice and frozen, and in that condition, without unnecessary delay delivered to the manufacturer at his office or place of business, or, if such manufacturer has no office or place of business in this state, to the person from whom taken, and the remaining half of such sample shall be retained by the State Food and Drug Commissioner and immediately placed in a sealed container, under his seal, and kept, packed and frozen in ice and salt, until a test or analysis thereof can be made. All tests or analysis of such samples shall be made in the district where taken, by some chemist approved by the State Food and Drug Commissioner.

Sec. 7. State divided into three inspection districts.—For the effectual administration and enforcement of this law the State Food and Drug Commissioner shall divide the state into three districts, as nearly equal in area as practicable, transportation facilities and the work to be performed in each of such districts considered, and shall assign to each of such districts a deputy or an inspector of the Food and Drug Department whose duty it shall be, under the direction of the State Food and Drug Commissioner, to aid in the enforce-

ment of this act, and who shall possess and exercise the powers and duties of the State Food and Drug Commissioner, as he shall direct.

Sec. 8. Must conform to fixed standard.—It shall be unlawful for any person, firm, copartnership, association or corporation to whom or to which this act applies, to manufacture, sell or offer for sale in this state any frozen mixture, as, or for, ice cream which does not conform to the standard prescribed in section 1 of this act.

Sec. 9. Penalty for violation.—Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be punished by imprisonment in the county jail for a period of not exceeding thirty days, or by a fine of not less than twenty-five dollars, or more than three hundred dollars, or by both such fine and imprisonment.

Sec. 12. Emergency.—There being no adequate law in this state regulating the manufacture, sale and distribution of ice cream, or providing for the issuance of permits to engage in the manufacture, sale and distribution thereof, and ice cream being of such a nature to be easily susceptible of contamination, and a convenient carrier of dangerous disease-bearing germs, rendering it unfit for human food, creates an emergency within the meaning of the Constitution. Therefore, this act shall be in force and effect from and after its approval by the governor.

Approved May 26, 1919.

Egg Breaking Law

Approved May 26, 1919.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Unwholesome eggs.—It shall be unlawful to ship or otherwise dispose of for manufacturing purposes or for food, in any kind of a container or in any other manner, any egg or collection of eggs, or any eggs known as yolks stuck to the shell, heavy blood rings, partially hatched, mouldy eggs, black spots, black rots or any other eggs of an unwholesome nature, unless the same are cased and labeled, or broken in the shells and then denatured so as to render them unfit for human food. All eggs, either in the shell or broken as described in this section, not fit for human food, may be shipped to tanners under seal, for manufacturing purposes only.

Sec. 2. Not to be sold for food purposes.—Eggs, exclusive of the above named varieties, which are not intended for sale to the trade in shell form, are hereby declared to be “breaking stock.” “Breaking stock” when packed in cases, sealed with proper identifying strips that have been approved by the State Food and Drug Commissioner, may be shipped to licensed egg breaking establishments. Brokers and commission men or ordinary receivers of eggs, who have eggs shipped to them in these breaking stock identified cases, may break the seal and examine the stock but they must reseal the identifying strip where it is cut with another identifying strip which carries their name and address, and the date upon which they inspected the eggs. They will be held responsible for any tampering with the contents of the identified cases. It shall be unlawful for any person, firm or corporation to have in his or its possession with intent to place them on the market for food purposes, eggs known as yolks stuck to the shell, heavy blood rings, partially hatched, mouldy eggs, black spots, black rots, or any unwholesome eggs unless the same are cased and labeled or broken in the shell and then denatured so as to render them unfit for human food.

Sec. 3. Inspection authorized—license fee fixed.—All persons, firms or corporations who engage in the business of removing eggs from their

shells in the manufacture of frozen, liquid, desiccated or any form of whole eggs, yolks, whites, or any mixture of yolks and whites, for food or manufacturing purposes, whether without the addition of any other ingredients, shall, before engaging in such business, apply to the State Food and Drug Commissioner for the inspection to be made of his establishment. Thereupon the State Food and Drug Commissioner, or duly authorized inspectors, shall inspect the establishment and equipment of said egg breaking establishment, and they shall also ascertain if said establishment complies in method and equipment with the sanitary laws of this state and the rules and regulations that from time to time shall be made and established by the State Food and Drug Commissioner for the regulation of these establishments. If, after such inspection, it shall appear that the said establishment complies with the provisions of the sanitary law and the rules and regulations governing egg breaking establishments, then, upon payment to the State Food and Drug Commissioner of an inspection fee of \$50.00, he shall issue a permit to the person, firm or corporation to conduct such establishment. All inspection fees under this act shall be paid into the state treasury. Such permits shall begin on January 1st and expire on December 31st of each year and the inspection fee shall be prorated for the first year for every person, firm or corporation engaged in the business for the remainder of the year; and any person or persons engaging in business between January 1st and April 1st, shall pay an annual inspection fee of \$50.00; after April 1st and before July 1st, an inspection fee of \$37.50; after July 1st and before October 1st, an inspection fee of \$25.00; after October 1st an inspection fee of \$12.50. Every permit shall be posted in a conspicuous place in the office or establishment of any person or persons holding such permit.

Sec. 4. Egg breaking or manufacturing establishments regulated, how.—Every egg breaking or manufacturing establishment, when it has received its permit, shall be furnished with an identifying establishment number. Said number shall be included as a part of the proper labeling of all cans, cases or other receptacles in which eggs whole, frozen or desiccated, or egg products are offered for sale. The form, and manner of placing said number on containers shall be under the rules and regulations promulgated by the State Food and Drug Commissioner.

(Ruling Under Section 4.)

With reference to placing establishment number: All cans or containers shall have the establishment number stenciled, painted or embossed on the **sides** of cans or other containers. PAPER LABELS BEARING ESTABLISHMENT NUMBER ARE PROHIBITED.

Sec. 5. Penalty.—Any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor.

Sec. 6. Emergency clause.—There being no adequate law in this state regulating the egg breaking establishments which in many instances are conducted in such a way as to constitute a menace to the public health, an emergency is hereby declared to exist within the meaning of the Constitution, therefore this act shall be in force and effect from and after its approval by the governor.

Approved May 26, 1919.

VINEGAR.

1. Vinegar, cider vinegar, apple vinegar, is the product made by the alcoholic and subsequent acetous fermentation of the juice of apples, is laevo-rotatory, and contains not less than four (4) grams of acetic acid, not less than one and six-tenths (1.6) grams of apple solids, of which not more than fifty (50) per cent are reducing sugars, and not less than twenty-five hundredths (0.25) gram of apple ash in one hundred (100) cubic centimeters (20°C.); and the water-soluble ash from one hundred (100) cubic centimeters (20°C.) of the vinegar contains not less than ten (10) milligrams of phosphoric acid ($P_2 O_5$) and requires not less than thirty (30) cubic centimeters of decinormal acid to neutralize its alkalinity.

2. Wine vinegar, grape vinegar, is the product made by the alcoholic and subsequent acetous fermentations of the juice of grapes, and contains in one hundred (100) cubic centimeters (20°C.), not less than four (4) grams of acetic acid, not less than one (1.0) gram of grape solids, and not less than thirteen hundredths (0.13) grams of grape ash.

3. Malt vinegar is the product made by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley malt or cereals whose starch has been converted by malt, is dextro-rotatory and contains, in one hundred

(100) cubic centimeters (20°C.), not less than four (4) grams of acetic acid, not less than two (2) grams of solids, and not less than two-tenths (0.2) gram of ash; and the water soluble ash from one hundred (100) cubic centimeters (10°C.) of vinegar contains not less than nine (9) milligrams of phosphoric acid (P_2O_5) and requires not less than four (4) cubic centimeters of decinormal acid to neutralize its alkalinity.

4. Glucose vinegar is the product made by the alcoholic and subsequent acetous fermentations of solutions of starch, sugar or glucose, is dextro-rotatory, and contains, in one hundred (100) cubic centimeters (20°C.) not less than four (4) grams of acetic acid.

5. Sugar vinegar is the product made by the alcoholic and subsequent acetous fermentations of solutions of sugar, sirup, molasses, or refiner's sirup, and contains, in one hundred (100) cubic centimeters (20°C.), not less than four (4) grams of acetic acid.

6. Spirit vinegar, distilled vinegar, grain vinegar, is the product made by the acetous fermentations of dilute distilled alcohol, and contains in one hundred (100) cubic centimeters (20°C.), not less than four (4) grams of acetic acid.

Sec. 3637. Adulterating vinegar.—Any person who manufactures for sale or offers or exposes for sale as cider vinegar, any vinegar not the legitimate product of pure juice known as apple cider, or vinegar not made exclusively of said apple cider, or vinegar into which foreign substances, drugs or acids have been introduced, as may appear on proper tests, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be punished for every offense by fine not less than fifty dollars nor more than one hundred dollars, and the costs of prosecution, or by imprisonment in the county jail not to exceed ninety days. (R. S. 1909, Sec. 4841.)

Sec. 3638. Vinegar not to be colored, etc.—All vinegar sold or offered for sale, exchange or delivery shall be without artificial coloring or flavoring; and no person, by himself or his agent or employe, shall sell or offer for sale, exchange, deliver, or knowingly have in his custody or possession with intent to sell or exchange, or expose or offer for sale or exchange, any vinegar labeled or branded as cider vinegar, or as apple vinegar, which is not

the legitimate product of pure apple juice, or that is not made exclusively from apple cider. (R. S. 1909, Sec. 4842.)

Sec. 3639. Vinegar barrels to be marked, how—inspector's duties.—Every person making or manufacturing apple cider or other fruit vinegar for sale shall brand on both heads of each cask, barrel or keg containing such vinegar, the name and location of the manufacturer or firm, and also the name of the fruit out of which the vinegar is made; and where there are inspectors of food products, vinegar shall be one of the articles under supervision of such inspector, with power to inspect and seize any that may be found fraudulent and in violation of sections 3637, 3638, 3639 and 3640. (R. S. 1909, Sec. 4843.)

Sec. 3640. False marking of barrels, etc.—penalty.—No vinegar shall be branded "fruit vinegar" unless the same be made wholly from apples, grapes or other fruits; and any person who shall knowingly brand, label or sell or offer for sale as such "fruit vinegar" any vinegar not made wholly from apples, grapes or other fruits, or who shall violate any one of the three foregoing sections, shall be deemed guilty of a misdemeanor and be punished as provided in section 3637. (R. S. 1909, Sec. 4844.)

SALT.

1. Table salt, dairy salt, is the fine-grained crystalline salt, containing on a water-free basis not more than one and four-tenths (1.4) per cent of calcium sulphate (CaSO_4), nor more than five-tenths (0.5) per cent of calcium and magnesium chloride (CaCl_2 and MgCl_2), nor more than one-tenth (0.1) per cent of matters insoluble in water.

Sec. 5664. Food and drugs not to be adulterated or misbranded.—No person or persons, firm or association of persons, company or corporation shall, within this state, manufacture, produce, sell, offer or expose for sale, or have in his, their or its possession, with intent to sell, any article of food or drug which is adulterated or misbranded within the meaning of this article, or cause or procure the same to be done by others. (R. S. 1909, Sec. 6592.)

Sec. 3641. Certain substances not to be used in compounds of food.—It shall be unlawful for any

person or corporation doing business in this state to manufacture, sell or offer to sell, any article, compound or preparation, for the purpose of being used or which is intended to be used in the preparation of food, in which article, compound or preparation there is any arsenic, calomel, bismuth or ammonia. (R. S. 1909, Sec. 4845.)

As to constitutionality of former acts, see *State v. Tea Co.*, 171 Mo. 634, 71 S. W. 1011; *State v. Layton*, 160 Mo. 474, 61 S. W. 171.

Sec. 3642. Penalty for violation of preceding section.—Any person or corporation violating the provisions of section 3641 shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not less than one hundred dollars, which shall be paid into and become a part of the public school fund of the county in which said fine is collected. (R. S. 1909, Sec. 4846.)

Sec. 3634. What ingredients prohibited in manufacture of candies.—No person shall, by himself, his servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell, any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral substance, by poisonous colors or flavors, or other ingredients deleterious or detrimental to health. (R. S. 1909, Sec. 4838.)

Sec. 3635. Penalty.—Whoever violates any of the provisions of section 3634 shall be punished by a fine not exceeding one hundred dollars nor less than fifty dollars. The candy so adulterated shall be forfeited and destroyed under direction of the court. (R. S. 1909, Sec. 4839.)

Sec. 3636. Duty of prosecuting attorney.—It is hereby made the duty of the prosecuting attorneys of this state to appear for the people and to attend to the prosecution of all complaints under section 3634 in all the courts in their respective counties. (R. S. 1909, Sec. 4840.)

“Drug and Food” Defined.

Sec. 5665. “Drug” and “Food” defined.—

The term “drug,” as used in this article, shall include all medicines and preparations recognized in the United States pharmacopoeia or national formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease in man or animals. The term “food,” as used in this article, shall include all articles used for food, drink, confectionery or condiment by man or animal, whether simple, mixed or compound. (R. S. 1909, Sec. 6593.)

Sec. 5666. Drugs, when deemed adulterated.

A drug shall be deemed to be adulterated within the meaning of this article: 1. If, when sold under or by a name recognized in the latest revised edition of the United States pharmacopoeia or national formulary, it differs from the standard of strength, quality or purity prescribed therein. 2. If its strength, quality or purity fall below the professed standard under which it is sold: *Provided*, that no drug defined in the United States pharmacopoeia or national formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States pharmacopoeia or national formulary. (R. S. 1909, sec. 6594.)

Sec. 5667. Food, when deemed adulterated.—

Food shall be deemed to be adulterated: 1. If any substance or substances have been mixed with it so as to lower or depreciate or injuriously effect its strength, quality or purity. 2. If any substance or substances have been substituted wholly or in part for the article. 3. If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. 4. If it is mixed, colored, coated, polished, powdered or stained in a manner whereby damage or inferiority is concealed; or if, by any means, it is made to appear to be better or of greater value than it really is. 5. If it contain any added substance which is poisonous or injurious to health: *Provided*, that when in the preparation of food products for shipment they are preserved

by any external application, applied in such manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this article shall be construed as applying only when said products are ready for consumption. 6. If it consist wholly, or in part, of a diseased, filthy, decomposed, putrid, infected, tainted or rotten animal or vegetable substance, or any part or portion of an animal diseased or otherwise unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or of an animal that has died otherwise than by slaughter, and in case of meats, oysters or fish, sold or offered for sale in the fresh state, if such meats, oysters or fish shall have been inoculated, dusted, powdered, sprayed, rubbed, anointed, washed, sprinkled, fumigated, or in any other manner treated with any of the substances declared deleterious or dangerous by this article, or any antiseptic or chemical preservative or dyestuff whatsoever, whose use and apparent purpose is to mask decomposition, or to give to the meat, oysters or fish a false appearance of freshness or quality. And in the case of dairy products, if any such product be drawn or produced from cows fed on unhealthy or unwholesome food, or on waste, slops, refuse, leavings or residue of any nature or kind from distilleries, breweries or vinegar factories, or on food in a state of putrefaction, or from cows diseased in any way. 7. If it contains methyl or wood alcohol in any of its forms. 8. If it be an imitation or sold as or for another article. 9. If, in the case of confectionery, it contains terra alba, barytes, arsenic, talc, chrome yellow or other mineral substances, a poisonous color or flavor, or other ingredients deleterious or detrimental to health, or vinous, malt or spirituous liquor or narcotic drug, or, 10. If it does not conform to the standard of strength, quality and purity now or hereafter to be established by the United States Department of Agriculture. (R. S. 1909, Sec. 6595.)

Section means that whatever may be the standard of milk solids after the water is added, the adding of water to skim milk is unlawful. Both the statutes and a city ordinance involved. Court will not take judicial cognizance of the rules, regulations and orders of administrative departments of the United States government. The standard must be

put in the record. *St. Louis v. Krumpeler*, 235 Mo. 710, 139 S. W. 446. Public policy of this state is not to permit the sale of watered milk, so long as a scientific standard is observed. *St. Louis v. Ameln*, 235 Mo. 669, 139 S. W. 429. Formaldehyde is a well known poison, and the putting of it in milk is prohibited by clause 5 of this section. A city ordinance which is broader and in conflict with this clause is invalid. *St. Louis v. Wortman*, 213 Mo. 131, 112 S. W. 520.

Sec. 5668. The term "Misbranded" defined.—The term "misbranded," as used in this article, shall apply to all drugs and articles of food, or articles which enter into the composition of drugs or food, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to state, territory or country, in which it is made, manufactured, produced or grown, or as to the person, firm or corporation by whom it is made, manufactured, produced or grown. (R. S. 1909, Sec. 6596.)

Sec. 5669. Id. Drugs.—In case of drugs, an article shall also be deemed to be misbranded:

1. If it be an imitation of, or offered for sale under the name of, another article.

2. If the contents of the package, as originally put up, shall have been removed in whole or in part, and other contents shall have been placed in such package.

3. If the package fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, heroin, cocaine, eucaine (alpha or beta), chloroform, cannabis indica, chloral hydrates, acetanilid or any derivative or preparation of any substance contained therein: *Provided*, that subdivision three of this section shall not apply to any drug prepared or sold on the prescription of a duly licensed physician, or prepared by a duly licensed pharmacist for immediate sale upon an order therefor.

4. If its package or label shall bear or contain any statement, design or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein, which is false and fraudulent. (Laws 1919, p. 355.)

Information charging accused of having possession of a bottle filled with soda water misbranded

“Phos-Ferrone Mfg. Co.” held to charge a violation of the food and drug act under the definition of the term “misbranded.” State v. Lief, 248 Mo. 722, 154 S. W. 1133.

Sec. 5670. Id. Food.—In the case of food as herein defined, an article shall also be deemed to be misbranded:

1. If it is an imitation of, or is offered for sale or sold under the distinctive name of another article.

2. If it be labeled or branded, tagged, stenciled or marked so as to deceive the purchaser, or purport to be a foreign product when not so.

3. If the contents of the package as originally put up shall have been removed in whole, or in part, and other contents shall have been placed in such package.

4. If it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, heroin, cocaine, eucaine (alpha or beta), chloroform, cannabis indica, chloral hydrate, acetanilid, or any derivative or preparation of any such substance contained therein.

5. If in package form and the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count: *Provided*, however, that reasonable variations as to small packages shall be established by rulings and regulations made by the state food and drug commissioner, as provided by section 5732 of the Revised Statutes, 1919.

6. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, device or design shall be false or misleading in any particular: *Provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed misbranded in the following cases, viz.: (1) In the case of mixtures or compounds which may now, or from time to time hereafter, be known as articles of food under their own distinctive names and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the factory or place where said article has been manufactured or produced. (2) In the case of articles labeled, branded, stenciled or tagged so as to plainly indicate that they are mixtures,

compounds, imitations or blends, and the word "mixture," "compound," "imitation," or "blend," as the case may be, is plainly stated on the package or container in which they are offered for sale: *Provided*, that the term "blend," as used herein, shall be construed to be a mixture of like substances, not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only; *and provided further*, that nothing in this article shall be construed as requiring or compelling manufacturers of proprietary foods, which contain no unwholesome ingredient, or substance added to increase the bulk or weight of the finished product, to disclose their trade formulas, except in so far as the provisions of this article may require to secure freedom from adulteration or misbranding.

7. If in the case of articles which are mixtures, compounds, imitations or blends, the word "mixture," "compound," "imitation" or "blend" be not plainly stated on the package or container in which they are offered for sale. (Laws 1919, p. 354.)

Sec. 5671. Statement of ingredients.—If a statement of any of the ingredients of an article of food or drink, or of an article entering into food or drink, is required by law to be stated upon the label or package of such article, or is stated upon the label of such article, whether required by law or not, such statement and the name and address of the manufacturer or vender of the article shall be distinctly and conspicuously printed on the label or package in straight parallel lines of plain, uncondensed legible type, well spaced, on a plain ground. The statement of ingredients shall be clearly separated from and not interspaced or confused with other matter, shall specify each and every ingredient by its ordinary name and shall be in the English language. The letters of said type shall be as large as any printed matter on the label or package (except the name of the compound, or chief article named therein which may be in larger type), and shall not be smaller than 8-point Gothic caps: *Provided*, that in case the size of the package does not allow the use of type of such size, then the size may, with the approval of the Food and Drug Commissioner, be proportionately reduced. The required label shall be firmly attached to or printed on the exterior of the package or envelope of the said article, on the top or side thereof, and in plain sight; but the Food and Drug Commissioner may, in writing, approve specific labels

not strictly in accordance with the above provisions if it is his opinion that the information is set forth thereon clearly enough for the reasonable protection of the purchaser.

Sec. 5672. When deemed misbranded.—Drugs or foods labeled in violation of the provisions of sections 5668, 5669, 5670 and 5671 shall be deemed to be misbranded within the meaning of this article.

Sec. 5673. Labels not to be defaced or removed.—No person, firm, association of persons or corporation shall deface, erase or remove any label or mark provided for in this article with intent to mislead, deceive or violate any of the provisions of this article, nor cause the same to be done by others.

Sec. 5674. Samples to be furnished for analysis.—Every person, firm, association of persons or corporation manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article of food included in the provisions of this article, upon application of any person or an inspector, analyst or other officer or agent of the state, and tender to such person, firm, association or corporation of the value thereof, shall furnish a sample for analysis of any such drug or article of food which is so in his or their possession.

Sec. 5675. Dealer not to be prosecuted if guaranty established.—No dealer shall be prosecuted under the provisions of this article when he can establish a guaranty, as provided for in the national food and drug act, approved June 30, 1906, or a guaranty, signed by the wholesaler, jobber, manufacturer or other party, residing in the state of Missouri, or who shall have filed in the office of the dairy and food commissioner a designation of the name and residence of some competent person being and continuing a resident of this state, process served on whom shall be valid and acceptable as personally served upon such party in any suit or proceeding under this article, from whom he purchased such articles, to the effect that the same are not adulterated or misbranded in the original unbroken packages, within the meaning of this article. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other

penalties which would attach, in due course, to the dealer under the provisions of this article.

This section does not mean that food containing poison can be sold, but that the dealer can sell food in the original and unbroken package without analyzing each and every one, provided the wholesaler, jobber or manufacturer from whom he purchases has complied with the provisions of this section. *St. Louis v. Wortman*, 213 Mo. 131, 112 S. W. 520.

Sec. 5676. Article, how construed. — When construing and enforcing the provisions of this article, the act, omission or failure of any officer, agent or other person acting for or employed by any person, corporation, firm or association, within the scope of his employment or office, shall, in every case, be deemed to also be the act, omission or failure of such employer.

Sec. 5677. Penalties.—Any person, firm, association or corporation who shall, within this state, manufacture or produce, offer or expose for sale, or shall sell or deliver, or have in his or their possession with intent to sell, any drug or food as defined in this article, which is adulterated or misbranded within the meaning of this article, or who shall fail or refuse, upon the application of a proper person, and the tender to him of the value thereof, to deliver to such person a sample sufficient for analysis, of any drug or article of food in his or their possession, as required by this article, or who shall violate any of the provisions of this article, shall be guilty of a misdemeanor, and upon conviction thereof, be punished for every such offense by a fine of not less than ten dollars nor more than five hundred dollars, or by imprisonment in the county jail not to exceed six months, or both such fine and imprisonment, and shall, in addition, be adjudged to pay all costs and expenses incurred in inspecting and analyzing such food or drug. (Laws 1919, p. 356.)

A clerk of a dealer who merely receives an order, and, on it being accepted by his employer, selects and ships out the goods, is not within this section declaring guilty of a misdemeanor "any person, etc.," who shall sell adulterated food. *State v. McCormick*, 183 A. 153, 165 S. W. 815. It is a misdemeanor within the meaning of this statute to place any substance in food of any kind, in any quantity, for any purpose, which is poisonous or injurious to health. *St. Louis v. Wortman*, 213 Mo. 131, 112 S. W. 520.

Sec. 5678. Non-alcoholic drinks not to be adulterated or misbranded.—That it shall be unlawful for any person, firm or corporate body, by himself, herself, itself or themselves, or by his, her, its or their agents, servants or employes, to manufacture, sell, offer for sale, expose for sale, or have in possession with intent to sell, any article of non-alcoholic drink which is adulterated or misbranded, within the meaning of this article. (Laws 1911, p. 261.)

Held that this article was not a legislative interpretation of Secs. 5664 to 5677, as not covering non-alcoholic liquors. *State v. Lief*, 248 Mo. 722, 154 S. W. 1133.

Sec. 5679. Definition of term "non-alcoholic drink" as used herein.—That the term "non-alcoholic drink," as used herein, shall include carbonated beverages of all flavors, sarsaparilla, ginger ale, soda water of all flavors, lemonade, orangeade, root beer, grape juice, and all other non-intoxicating drinks. (Laws 1911, p. 261.)

Sec. 5680. Non-alcoholic drink adulterated, when.—A non-alcoholic drink shall be deemed to be adulterated, within the meaning of this article, if it contains any added boric acid or borates, salicylic acid or salicylates, formaldehyde, sulphurous acid or sulphides, hydrofluoric acid or fluorides, fluoborates, fluosilicates, or other fluorine compounds, d ulcin, glucin, betanaphthol, hydro-naphthol, abrastrol, asaprol, oxides of nitrogen, nitrous acid or nitrates, compounds of copper, pyroligenous acid, or other added substance deleterious to health. (Laws 1919, p. 353.)

Sec. 5681. Non-alcoholic drink misbranded, when.—That, for the purpose of this article, a non-alcoholic drink shall be deemed to be misbranded:

First. If it be an imitation of, or offered for sale under, the distinctive name of another article, or if it is colored or flavored in imitation of the genuine color or flavor of another substance.

Second. If it is labeled or branded or tagged so as to deceive or mislead the purchaser.

Third. If the bottle or receptacle containing it be one bearing the name or brand of a manufacturer other than the one using it, whether or not the latter attaches a label to said bottle or receptacle so bearing a name or brand.

Fourth. If the bottle or receptacle containing it be sealed or capped with a seal or cap bearing the name or brand of a manufacturer other than the one using such seal or cap.

Fifth. If the bottle or receptacle containing it, or its label, shall bear any statement, design or device, regarding the ingredients or the substance contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, that any non-alcoholic drink which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded under the following conditions:

a. In the case of mixtures or compounds which may be now, or from time to time hereafter, known as non-alcoholic beverages under their own distinctive names, and not an imitation of, or offered for sale under, the name of another article.

b. In the case of non-alcoholic beverages which are labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation," or "blends," as the case may be, is plainly stated on the container in which it is offered for sale: *Provided*, that the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients not prohibited by this article, and used for the purpose of coloring or flavoring only. (Laws 1911, p. 262.)

Sec. 5682. Penalty.—Any person who shall violate any of the provisions of sections 5678 to 5681 shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than twenty-five (25) dollars, nor more than one hundred (100) dollars, or not more than six months in jail, or both. (Laws 1911, p. 262.)

Sec. 5683. Sale of horse and mule meat, etc., prohibited except so labeled.—It shall hereafter be unlawful for any person, firm, association or corporation to sell or offer for sale, either in wholesale or retail lots, any horse or mule meat under the guise or name of beef, any goat meat under the guise or name of lamb or mutton, or any other animal flesh under the guise or name of any meat or meat product, except that which in fact and truth it may be, without having attached thereto a tag or other mark of identification plainly and legibly setting forth the true name of the animal from which such meat or flesh was taken or without having prominently displayed over or in conjunction with such meat or flesh, a legible sign or placard containing the true name of the animal from which the same was taken, and without also advising the

purchaser thereof, by verbal, written or printed notice, of the true name of the animal from which such meat or flesh was taken. (Laws 1919, p. 367.)

Sec. 5684. Penalty.—Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor. (Laws 1919, p. 367.)

BLEACHED AND SELF-RISING FLOUR.

The State of Missouri has a law forbidding the mixing of flour unless same is properly labeled or branded, but does not forbid the sale of bleached flour, neither does the law forbid the sale of self-rising flour, wherein the ingredients used are pure and wholesome. In the General Food Law any ingredient or constituent which is deleterious, injurious or harmful is absolutely prohibited in food products.

It is the writer's personal opinion that the manufacture and sale of bleached flour or the use of any method for bleaching flour should be prohibited by law whenever it can be clearly shown that the bleaching process injures or destroys any of the food value therein contained. This subject has been made a matter of careful study.

Many of the best millers say that the public became suspicious of bleached flour, because of erroneous claims made by the salesmen in efforts to sell to milling companies, and install, bleaching apparatus. Some salesmen claimed that with the aid of the bleacher, millers could produce wholesome white flour from mildewed, damaged and weather-beaten wheat, while as a matter of fact, the best millers have stated that it is impossible to make a good wholesome white flour from anything but the choicest, properly cleaned and scoured wheat.

Many writers of unquestioned ability have contended for years that wheat produced a better flour if allowed to go through a sweat or sweating process. Many writers claim that flour is better and more wholesome if kept for sometime after grinding, before being made into bread.

A paragraph from the Encyclopedia Britannica on the subject under discussion is quoted:

“Early in the 19th century a French chemist, J. J. E. Poutet, discovered that nitrous acid and oxides of nitrogen act on some fluid and semi-fluid vegetable oils, removing their yellow tinge and converting a considerable portion of their substance into white solid. The importance of this discovery

when the physical constitution of wheat is considered, is obvious, but it was years before any attempt was made to bleach flour. The first attempts at bleaching seem to have been made on the wheat itself rather than on the flour. In 1879 a process was patented for bleaching grain by means of chlorine gas, and about 1891 a suggestion was made for bleaching grain by means of electrolysed sea-water. In 1895 a scheme was put forward for treating grain with sulphurous acid and about two years later it was proposed to subject both grain and flour to the influence of electric currents. In 1893 a patent was granted for the purification of flour by means of fresh air or oxygen, and three years later another invention proposed to employ the Rontgen rays for the same purpose. In 1898 Emile Frichot took out a patent for using ozone and ozonized air for flour bleaching. The patent (No. 1661 of 1901) was taken out by J. & S. Andrews of Belfast recited that flour is known to improve greatly if kept for some time after grinding, and the purpose of the invention it covered was to bring about this improvement or conditioning not only immediately after grinding, but also to greater extent than can be effected by keeping. The process consisted in subjecting the flour to the action of a suitable gaseous oxidizing medium; the inventors preferred air carrying a minute quantity of nitric acid or peroxide of nitrogen, but they did not confine themselves to those compounds, having found that chlorine, bromine and other substances capable of liberating oxygen were also more or less efficacious. They claimed that while exercising no deleterious action their treatment made the flour whiter, improved its baking qualities, and rendered it less liable to be attacked by mites or other organisms. Under the patent, No. 14006 of 1903, granted to J. N. Alsop of Kentucky, the flour was treated with atmospheric air which had been subjected to the action of an arc of flaming discharge of electricity, with the purpose of purifying it and improving its nutritious properties. The Andrews and Alsop patents became the objects of extended litigation in the English courts, and it was held that the gaseous medium employed by Alsop was substantially the same as that employed by Andrews, though produced electrically instead of chemically, and therefore that the Alsop process was an infringement of the Andrews patent. Various other patents for more or less similar processes have also been taken out."

A few years ago the United States Federal Bureau commenced a proceeding in the Federal Courts against the Alsop Process Company, with a view of prohibiting the sale and use of its bleacher. In this case the United States Court of Appeals held that unless the Federal Bureau could show that the bleaching process injured the flour or in some way made it unfit for food, there should be no objection to use of this method of bleaching.

The method of bleaching flour which is allowed, is such as will not damage or lessen the nutritive elements therein, nor make the finished product more difficult of digestion. The burden of proof of the above facts should rest upon the manufacturers who use the various methods of bleaching flour to show that it does not injure the flour in any way, nor take from it any of its food value.

With reference to self-rising flour and its sale. The writer is of the opinion that if such product is permitted to be sold, it should be properly labeled, in order that the consuming public may be apprised of what it is buying, and it should be required that the leavening ingredients be pure and wholesome. Nothing containing any ingredient which is injurious to health should be mixed with flour and sold for food.

It must be admitted that to add to flour leavening ingredients which become neutralized during the process of wetting, mixing and baking would to a small degree, reduce the food value of the flour, that is, it would add to the weight and bulk by displacing the flour, but this would be to such a slight degree that it seems to be a question hardly debatable.

FLOUR—WEIGHT ON BARREL, SACK, ETC.

Sec. 13583. Flour, weight of barrel, sack, etc.—A barrel of flour shall consist of 196 pounds net; a sack of flour shall consist of 98 pounds net; a half sack of flour shall consist of 48 pounds net; a quarter sack of flour shall consist of 24 pounds net; no manufacturer or dealer in flour shall sell flour in barrels, sacks, half sacks or quarter sacks containing a less amount of flour than the amounts above specified. Before any barrel, sack, half sack or quarter sack of flour shall be sold, the number of pounds therein contained shall be plainly labeled or stamped thereon. Any person who shall sell any package of flour which shall be stamped or labeled with a greater number of pounds net than such

package actually contains, or who shall put up or sell flour in any manner contrary to the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than ten dollars nor more than one hundred dollars.

SLACK FILLED PACKAGES, CANS OR CARTONS.

As provided by Section 5732, R. S. Missouri, 1919, the State Food and Drug Commissioner has ruled that slack filled packages, cans or cartons of drugs, food or food products are an attempt upon the part of the manufacturer or producer to deceive the purchaser or consumer by making same appear to contain more than they do, and that all packages, cans or cartons of drugs, food or food products must be full; that the net weight be clearly stamped or printed upon the outside of each and every package, can or carton, in terms of weight, measure or numerical count.

Any person, firm, association or corporation who shall violate this ruling shall be liable to the penalties as prescribed in Section 5677, R. S. Missouri, 1919.

BAKERIES AND CONFECTIONERIES.

Sec. 6843. Sanitation in bakeries, etc.— Every building or room occupied as a biscuit, bread or cake bakery or confectionery shop shall be drained and plumbed in a manner conducive to the proper healthful and sanitary condition thereof, and constructed with air shafts, windows or ventilating pipes sufficient to insure ventilation. Every room or rooms used as a bake shop or confectionery shop wherein food stuffs are mixed, manufactured or baked, and all troughs, mixing boxes, steam boxes, and other appliances used in the preparation of food stuffs shall be left open, ventilated and aired for a period of not less than twelve consecutive hours during each week between the hours of six o'clock p. m. on Saturday and six o'clock a. m. on Sunday, and during said twelve hours no sponge setting, mixing or baking shall be done in such bake shop or confectionery shop. No water-closet, privy or ash pit shall be within or communicate directly with the bake shop or confectionery shop. The walls of bake shops or confectionery shops shall be plastered or faced with smooth stone, brick or tile, the ceiling whitened, plastered or cov-

ered with lumber, metal or fireproof material, and shall be whitewashed at least once every twelve months. The furniture, troughs, steam boxes, mixers, pans and all other utensils used in or about such bakery or confectionery and the floor, walls and ceiling of such rooms shall be kept in a clean, healthful and sanitary condition. (R. S. 1909, Sec. 7863.)

Sec. 10089, R. S. 1899, corresponding to this section, was held unconstitutional, because it only included a part of the business mentioned in Sec. 10088, R. S. 1899. *State v. Miksicek*, 225 Mo. 561.

Sec. 6844. Products to be kept, how.—The manufactured flour or meal products shall be kept in clean, dry and properly ventilated rooms so arranged that the floor, shelves and all places for storing same can be easily and properly cleaned. (R. S. 1909, Sec. 7864.)

Sec. 6845. Sleeping apartments to be separate. No sleeping apartments for any person shall be permitted or maintained in any room or rooms used for manufacturing or storing of flour or meal products, or for storing flour or meal or other articles used in the manufacture or production of said products, nor in any room where any manufactured product is stored or kept. (R. S. 1909, Sec. 7865.)

Sec. 6846. Diseased persons not to work in bakeries.—No employer shall knowingly require, permit or suffer any person to work in or about his bake shop, hotel, restaurant, lunch counter or confectionery shop who is affected with tuberculosis, scrofula or any venereal disease, or with a communicable skin affection, and every person is hereby required to keep himself in a clean and sanitary condition while engaged in the manufacturing or handling of such products, and such employer shall at his own expense, on the demand of the industrial inspector, or his assistant, or deputy, furnish such inspector with the certificate of a reputable and competent physician as to the state of health of any of his employes. (R. S. 1909, Sec. 7866, re-enacted Laws 1919, p. 440.)

Sec. 6847. Rooms underground prohibited.—No room or rooms, either wholly or partly underground, not now used as a bakery or confectionery shop, shall hereafter be used as a bakery or confectionery shop, unless the same shall be so situated as to comply with the necessary sanitary conditions, nor shall any room or rooms, wholly or partly under-

ground, now used as a bakery or confectionery shop, which shall hereafter be closed be again used as a bakery or confectionery shop unless the same shall comply with the necessary sanitary conditions. (R. S. 1909, Sec. 7867.)

Sec. 6848. Penalty.—Any person who violates any of the provisions of this article or refuses to comply with the requirements thereof shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than ten dollars and not more than one hundred dollars, or imprisonment in the county jail not less than one month, or by both such fine and imprisonment. Whenever the industrial inspector, or one of his assistants or deputies, finds that any of the provisions of this article are being violated in such a manner as to render the condition of any bakery or confectionery establishment, or any part thereof, unclean, or insanitary, or the product thereof unhealthful, he shall, at once, in writing, order the owner, or owners, or the person, or persons in charge thereof to remedy said condition within three days; and if such condition be not remedied within three days from the date of said order, he may, at a place in said bakery or confectionery establishment to be selected by him, where it may be seen by the public, place a notice printed in large letters bearing the words, "This bakery is unclean. State Industrial Inspector. By _____," which said notice shall be signed by the inspector, his assistant, or deputy, and shall remain where so placed until removed by his order. (R. S. 1909, Sec. 7868, amended Laws 1919, p. 441.)

BAKESHOP RULES.

(a) Rooms in which the dough is mixed and the pastry prepared for baking must be well ventilated, with a good supply of fresh air and light. Walls, ceilings, floors, proof boxes, pans, kneading troughs, and machines must be kept in a clean and wholesome condition. Closets and lavatories must not be directly connected with the working rooms and sewerage pipes must not be led through them.

(b) Before beginning work and before preparing and mixing the ingredients, the persons engaged in the work must wash their hands and arms thoroughly in clean water. For this purpose sufficient wash-basins, together with soap and clean towels, must be provided.

(c) Persons employed in the establishment must, while working, wear sufficient clothing.

(d) Persons having contagious or loathsome diseases must not be employed in bakeries.

(e) All windows and doors must be protected from flies.

(f) The supplies of flour must be stored in dry places, where they are protected from all contamination. Water used to coat the bread must be provided fresh every day. The bread and pastry must not be laid on the bare floor.

(g) It is strictly forbidden to sit or lie on any of the tables, shelves, etc., which are intended for use for the dough or baked articles. Chairs and benches in sufficient number must be provided to sit on.

(h) The working rooms must be furnished with cuspidors, at least one in each room, which must be cleaned daily. Spitting on the floor is forbidden. Smoking, snuffing, chewing of tobacco, etc., is forbidden in the working rooms while work is in progress.

(i) The working rooms must not be used for any purposes other than those strictly connected with the preparing and baking of foods; especially must they not be used as washing, sleeping or living rooms.

(j) Domestic animals must not be kept in the bakeshop.

(k) All barrels, boxes, tubs, pails, casks, kneading troughs, machines, or other receptacles containing food preparations must be kept covered, protecting same from contamination.

(l) These bakeshop rules shall be posted in each working room.

(m) The dough troughs must not be left with particles of dough remaining therein. Each dough trough must be emptied and scraped after each time it is used.

(n) All utensils used in the bakeshop must be scraped when put away after use.

(o) All floors, both in bakeshop and storeroom, including retail storeroom, must be scraped and scrubbed as often as is necessary to keep them white and smooth.

SLAUGHTERHOUSE AND MEAT MARKET RULES.

(a) Every person owning, leasing or occupying any place, room or building wherein cattle, sheep or swine are killed or dressed or any market, public or

private, shall cause such place, room, building or market to be kept at all times thoroughly cleaned and purified, and all offal, blood, fat, garbage, manure or other unwholesome or offensive refuse shall be removed therefrom at least once every twenty-four hours, if used continuously, or, if only used occasionally, within twenty-four hours after using; and the floors of such building, place or premises shall have an impermeable floor, made of cement or tile laid in cement, brick or other non-absorbent material, which can be flushed and washed clean with water and which shall be approved by the State Board of Health. No blood pit, dung pit, offal pit, or privy well shall remain or be constructed within any such place, room or building; nor shall swine be kept or fed within 150 feet of the slaughterhouse. Doors and windows must be screened to exclude flies, and side walls painted or whitewashed.

(b) Slaughterhouses are required to be kept in a sanitary condition, and insanitary conditions shall be deemed to exist wherever and whenever any one or more of the following conditions appear or are found, to wit: If the slaughterhouse is dilapidated and in a state of decay; if the floors or side walls are soaked with decaying blood or other animal matter; if cobwebs or other evidence of filth or neglect are present; if the drainage of the slaughterhouse or slaughterhouse yard is not efficient; if maggots or filthy pools or hog-wallows exist in the slaughterhouse yard or under the slaughterhouse; if storage hides are kept in slaughterhouse, if there are pools of filth, infested with maggots, or giving out vile odors; if the water supply used in connection with the cleansing or preparing is not pure and unpolluted; or if the odors of putrefaction plainly exist therein; if bones or refuse are not burned or buried; if dead animals are being fed to other animals; if carcasses are transported from place to place when not covered with clean, white cloths, or if kept in unclean, bad smelling ice boxes, refrigerators or storage rooms.

(c) If the floors of such killing places are found to be in an insanitary condition by the inspector or health officer, he may require such floors to be constructed of cement or tile laid in cement, or brick, so as to prevent the blood, foul liquid or washings from being absorbed. All new slaughterhouses shall be constructed with cement floor and killing beds.

(d) All meat markets or other places where butcher's meat is sold or distributed must be kept clean. The floors must be scrubbed as often as necessary to keep them white and free from grease, blood and other dirt. The meat refrigerator and hooks inside must be thoroughly scoured with hot water and lye not less often than once a week and oftener if necessary to keep the refrigerator sweet smelling and free from odor. No tainted meat or cheese or vegetables shall be allowed to remain or be placed in such refrigerator. The refrigerator or meat box must be kept dry inside.

Sec. 6849. Duty of industrial inspector.—It shall be the duty of the industrial inspector or his deputy to inspect each bakeshop at least twice every twelve months, and for each inspection he may receive a fee of not exceeding one dollar; he may make such additional inspections as conditions may seem to require, but he shall not be entitled to any fee for such additional inspection. It shall be his duty to see that the provisions of this article are carried into effect, and it is hereby made the duty of the prosecuting attorney of each county or city in this state to lend all possible aid in all prosecutions for violation of any of the provisions of this article. (R. S. 1909, Sec. 7869, amended Laws 1919, p. 441.)

Sec. 6850. Law to be posted.—A copy of this article shall be furnished by the industrial inspector and be kept conspicuously posted in every bakeshop or confectionery establishment in this state. (R. S. 1909, Sec. 7870, amended Laws 1919, p. 441.)

Sec. 3627. Selling unwholesome food.—Every person who shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or shall sell the flesh as of one animal knowing it to be that of another species, or shall sell unwholesome bread or drink without making the same fully known to the purchaser, and any butcher or other person who shall sell or offer to sell the meat of any calf which was killed before it had attained to the age of six weeks, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year. (R. S. 1909, Sec. 4825.)

Must appear that defendant knew that meat was unwholesome. *State v. Snyder*, 44 A. 429. Indictment must allege that purchaser was not advised of diseased condition of cattle slaughtered and sold. *State v. Falk*, 38 A. 554.

Sec. 3628. Use of impure barrels, etc., prohibited.—It shall be unlawful for any person, firm or corporation to use any barrel, lard tierce, preserve or butter tub, having been once used for the purpose of packing or storing any article of human food therein unless such barrel, lard tierce, preserve or butter tub has been thoroughly cleaned or scoured before its subsequent use. (R. S. 1909, Sec. 4826.)

Sec. 3629. Penalty.—Any person violating the provisions of the foregoing section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars nor more than twenty dollars for each offense, and by the using of any single article as before mentioned shall constitute a separate offense. (R. S. 1909, Sec. 4827.)

Sec. 3630. Adulterating food or drink.—Every person who shall fraudulently adulterate, for the purpose of sale, anything intended for food or drink, or any drugs or medicine, shall be deemed guilty of a misdemeanor. (R. S. 1909, Sec. 4828.)

Sec. 3625. Selling poison.—Every person who shall sell or deliver to any other any arsenic, corrosive sublimate, prussic acid or any other substance or liquid usually denominated poison, without having the word "poison" plainly written or printed on a label attached to vial, box, vessel or package containing the same, or who shall sell or deliver any tartar emetic, without having the true name written or printed on a label and attached to the vial, box, vessel or package containing the same, or who shall sell or deliver any such substance or liquid to any minor, without a written permission from the parent or guardian of such minor, specifying the kind of drug or that such minor is authorized to purchase, shall on conviction be adjudged guilty of a misdemeanor, and punished by fine not exceeding one hundred dollars. (R. S. 1909, Sec. 4823.)

Sec. 3626. Section 3625 explained.—So much of section 3625 as requires the word "poison," or the name of the drug sold or delivered, to be labeled on the box, vial or other package containing the same, shall not extend to any practicing physician who shall deliver any of the articles therein men-

tioned with a prescription for the use of the articles. (R. S. 1909, Sec. 4824.)

Sec. 3587. Putting dead animals in well, etc.— If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond or lake, every person so offending shall, on conviction thereof, be fined in any sum not less than ten nor more than one hundred dollars. If any person shall remove or cause to be removed and placed in or near any public road or highway, or upon premises not his own, or in any of the streams or water-courses other than the Missouri or Mississippi river, any dead animal, carcass or other part thereof, or other nuisance, to the annoyance of the citizens of this state, or any of them, every person so offending shall, upon conviction thereof, be fined for every such offense any sum not less than ten dollars nor more than fifty dollars, and if such nuisance be not removed within three days thereafter, it shall be deemed a second offense against the provisions of this section. (R. S. 1909, § 4795.)

Sec. 3588. Corrupting or diverting water supply.— Whoever wilfully or maliciously poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes, or whoever wilfully or maliciously diverts, dams up and holds back from its natural course and flow any spring, brook, or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for their use, shall be adjudged guilty of a misdemeanor, and punished by a fine not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment, and shall be liable to the party injured for three times the actual damage sustained, to be recovered by suit at law. (R. S. 1909, Sec. 4796.)

Sec. 3589. Offensive slaughterhouses.— If any owner or owners, occupier or occupiers of any slaughterhouse wherein any hogs, beeves, or other animals are slaughtered, either in the said slaughterhouse or on the premises of the said owner or owners, occupier or occupiers, shall permit the same to remain unclean to the annoyance of the citizens of this state, or any of them, every person so offending shall, upon conviction thereof, be fined for every such offense any sum not less than five nor more

than fifty dollars; and, if said nuisance be not removed within five days thereafter, it shall be deemed a second offense against the provisions of this section, and every like neglect of each succeeding five days thereafter shall be considered an additional offense against the provisions of this section. (R. S. 1909, Sec. 4797, amended Laws 1911, p. 198.)

Sec. 3590. Offensive soap and other factories. If any owner or owners, occupier or occupiers of any soap factory, candle factory, oil factory, glue factory, hemp factory, varnish factory, pork house, sausage house or lard house, shall permit the same to remain unclean, to the annoyance of the citizens of this state, or any of them, to a greater extent than is required for the necessary prosecution of their business, every person so offending shall, on conviction thereof, be fined for every such offense in any sum not more than fifty nor less than ten dollars; and if said nuisance be not removed within five days thereafter it shall be deemed a second offense against the provisions of this section, and every like neglect of each succeeding five days thereafter shall be considered an additional offense against the provisions of this section. (R. S. 1909, Sec. 4798.)

MINGLING POISON WITH FOOD AND DRINK.

Sec. 3266. Poisoning.—Every person who shall administer to another, directly or indirectly, any poison or any poisonous substance or liquid, or shall mingle poison with any food, drink or medicine, with intent to kill such person, which shall be actually taken by such person, or another, whereof death shall not ensue, shall be punished by imprisonment in the penitentiary not less than five nor more than ten years. (R. S. 1909, Sec. 4485.)

Sec. 3267. Mingling poison with food or drink. Every person who shall mingle any poison with any food, drink or medicine, with intent to kill or injure any human being, or who shall wilfully poison any spring, well or reservoir of water, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years. (R. S. 1909, Sec. 4486.)

Sec. 3633. Adulteration of liquors.—Any person who shall adulterate, by the use of strychnine or other poisonous liquids or ingredients, any spirituous, fermented, malt or vinous liquors, or shall sell any such liquors by retail or wholesale,

knowing the same to be adulterated as aforesaid by or with strychnine or other poisonous liquids or ingredients, shall be deemed guilty of a felony, and upon conviction thereof be punished by imprisonment in the penitentiary not exceeding five years. (R. S. 1909, Sec. 4837.)

SANITATION.

Sec. 5685. To what places law applies.—Every building, room, basement, or cellar occupied or used as a bakery, confectionery, cannery, packing house, slaughterhouse, restaurant, hotel, dining car, grocery, meat market, dairy, creamery, butter factory, cheese factory, or other place or apartment used for the preparation for sale, manufacture, packing, storage, sale or distribution of any food, shall be properly lighted, drained, plumbed and ventilated and conducted with strict regard to the influence of such condition upon the health of the operatives, employes, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced; and for the purpose of this article the term "food," as used herein, shall include all articles used for food, drink, confectionery condiment, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof. (Laws 1911, p. 258.)

Held that this article creates various offenses and not the single offense of keeping an unclean establishment, where food is manufactured, sold, etc. *State v. Burk*, 188 A. 683, 176 S. W. 487.

Sec. 5686. Contents of places and utensils used must be protected.—The floors, sidewalks, ceilings, lockers, closets, furniture, receptacles, implements, and machinery of every establishment or place where food is manufactured, packed, stored, sold or distributed, and all cars, trucks and vehicles used in the transportation of food products, shall at no time be kept in an unclean, unhealthy or insanitary condition, and for the purpose of this article, unclean, unhealthful and insanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale, distribution or transportation is not securely protected from flies, dust, dirt and, as far as may be necessary, by all reasonable means from all other foreign or injurious contamination; and if the refuse, dirt and waste products, subject

to decomposition and fermentation, incident to the manufacture, preparation, packing, storing, selling, distributing, and transporting of food, are not removed daily; and if all trucks, trays, boxes, baskets, buckets, and other receptacles, chutes, platforms, racks, tables, troughs, shelves and all knives, saws, cleavers and other utensils, and machinery used in moving, handling, cutting, chopping, mixing, canning and all other processes are not fairly cleaned daily; and if the clothing of operatives, employees, clerks, or other persons therein employed is unclean. The placing of vinegar or other liquid, used as food or drink, in open vessels without covering the same is forbidden. The use of second-hand bottles for vinegar or other liquids, used as food or drink, is forbidden unless the same are first sterilized with live steam. The sidewalk display of food products is prohibited unless such products are enclosed in a show case or similar device, which will protect the same from flies, dust or other contamination: *Provided*, that food products that necessarily have to be peeled, pared or cooked before they are fit for consumption may be displayed on the sidewalk; but the sidewalk display of meat or meat products is prohibited. (Laws 1915, p. 297.)

Sec. 5687. Further sanitary requirements.—The ceilings of every bakery, confectionery, hotel and restaurant kitchen shall be well plastered, wainscoted, or ceiled with metal or lumber and shall be oil painted or kept well lime washed, and all interior woodwork in every bakery, confectionery, hotel, dining car, and restaurant kitchen shall be kept well oiled or painted with oil paints, and be kept washed clean with soap and water; and every building, room, basement or cellar, occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable nonabsorbent material which can be flushed and washed clean with water. (Laws 1911, p. 259.)

Sec. 5688. Fly screens required.—The doors, windows and other openings of every food producing or distributing establishment, during the fly season, shall be fitted with self-closing screen doors and wire window screens of not coarser than 14-mesh wire gauze. (Laws 1911, p. 259.)

Sec. 5689. Toilet rooms provided.—Every building, room, basement, or cellar, occupied or

used for the preparation, manufacture, packing, canning, sale or distribution of food, shall have convenient toilet or toilet rooms, separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling or distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other nonabsorbent material and shall be furnished with separate ventilating flush or pipes, discharging into soil pipes, or on outside of the building in which they are situated. Lavatories and wash rooms shall be adjacent to toilet rooms, and shall be supplied with soap, running water and towels, and shall be maintained in a sanitary condition. Operatives, employes, clerks and all other persons who handle the material from which food is prepared, or the finished product, before beginning work or after visiting toilets, shall wash their hands and arms thoroughly with soap and clean water. (Laws 1911, p. 259.)

Sec. 5690. Cuspidors furnished.—Cuspidors for the use of operatives, employees, clerks or other persons shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution and five ounces of such a solution shall be left in each cuspidor while it is in use. No operative, employee or other person shall expectorate on the floor or sidewalks of any building, room, basement or cellar where the production, manufacture, packing, storing, preparation or sale of any food is conducted. (Laws 1911, p. 260.)

Sec. 5691. Not used for sleeping purposes.—No person or persons shall be allowed to live or sleep in any room, bakeshop, kitchen, dining room, confectionery or place where food is prepared, served or sold. (Laws 1911, p. 260.)

Sec. 5692. Diseases enumerated.—No employer shall require, permit or suffer any person to work, nor shall any person work, in a building, room, basement, cellar or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution and transportation of food, who is affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis or consumption, bubonic plague, Asiatic cholera, eczema or other skin diseases, leprosy, eye disease, typhoid fever (epidemic), epidemic dysentery, measles, mumps, German measles (Rothein),

whooping cough, chicken pox, or any other infectious disease. (Laws 1911, p. 260.)

Sec. 5693. Food and drug commissioner may abate violations.—The state food and drug commissioner and his assistants or agents by him appointed, the state, county, city and town health officers shall have full power at any time to enter and inspect every building, room, basement, or cellar, occupied or used, or suspected of being used, for the production for sale, manufacture for sale, storage, sale, distribution or transportation of food and all utensils, fixtures, furniture and machinery used as aforesaid, and if upon inspection any food producing or distributing establishment, conveyance, employer, operative, employee, clerk, driver, or other person is found to be violating any of the provisions of this chapter, or if the production, cooking, preparation, manufacture, packing, storing, sale, distribution or transportation of food is being conducted in a manner detrimental to the health of the employees and operatives and the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector, making the examination or inspection, shall furnish evidence of said violation to the prosecuting attorney of the county in which the violation occurs, and it shall be the duty of all prosecuting attorneys to represent and prosecute, in behalf of the people, when called upon by the food and drug commissioner to do so, all such cases of offenses arising under the provision of this chapter. When complaint is made by the said food and drug commissioner, security for costs shall not be required of the complainant in any case at any time of the prosecution or trial. (Laws 1911, p. 260.)

Sec. 5694. Penalty.—Any person who violates any of the provisions of sections 5685 to 5693 shall be guilty of a misdemeanor, and, on conviction, shall be punished for the first offense by a fine of not less than ten (10) dollars nor more than one hundred (100) dollars, or be imprisoned in the county jail not exceeding thirty days, or both, in the discretion of the court. (Laws 1911, p. 261.)

Sec. 5695. Commissioner authorized to close places where they constitute a menace to public health.—It shall be the duty of the state food and drug commissioner, and he is hereby authorized and empowered, to close any market place, grocery store, general store, bakery, confectionery, butcher

shop, slaughterhouse, dining car, refrigerator car, cold storage plant or warehouse, hotel dining room or kitchen, cafe, restaurant, lunch counter, drug store, or any other place, or places, where articles or commodities intended for human food, or human consumption as medicine, are manufactured, sold, stored or prepared for sale, or wherever food and drink is served, where such places shall, in the judgment of the State Food and Drug Commissioner, constitute a menace to the public health, by reason of dirt, filth, or other insanitary cause. (Laws 1919, p. 363.)

Sec. 5696. Order shall specify what—revoked—place may reopen.—Any order issued by the State Food and Drug Commissioner for the closing of any place or places mentioned in section 5695, shall specify the cause or causes for which such order was issued, and the time during which same shall be in effect. The state food and drug commissioner shall revoke such order before the time specified therein for its expiration: *Provided*, that the cause for which such order was issued is removed, and if the State Food and Drug Commissioner is satisfied that such place or places may be reopened without endangering the public health. (Laws 1919, p. 363.)

Sec. 5697. Deputy and inspectors vested with authority of commissioner.—Any duty by this chapter imposed upon the state food and drug commissioner may, with equal force and authority, be performed by any deputy state food and drug commissioner, or any inspector of the state food and drug department, as directed by the State Food and Drug Commissioner. (Laws 1919, p. 363.)

Sec. 5698. Definition of the word "close."—The word "close," as used in this chapter, shall be construed to mean a suspension of business, and it shall be unlawful for the proprietor, manager, or person having charge of any place mentioned in section 5695, to transact any business in violation of any order of the Food and Drug Commissioner closing same. (Laws 1919, p. 364.)

Sec. 5699. Liability of common carrier.—It shall be unlawful for any common carrier to, in any manner, make use, or permit the use, of any dining car, cafe car, kitchen car, or refrigerator car, in violation of any order of the Food and Drug Commissioner requiring the closing and discontinuing of any such car. (Laws 1919, p. 364.)

Sec. 5700. "Closed" car to be placed on siding.—Whenever the State Food and Drug Commissioner shall issue an order closing any dining car, cafe car, kitchen car or refrigerator car in this article referred to, same shall be placed upon a siding until the cause or causes for which it was ordered closed have been removed and an order of the State Food and Drug Commissioner cancelling such closing order has been issued. (Laws 1919, p. 364.)

Sec. 5701. Penalty for violation.—Any person who shall fail, or refuse, to obey any order of the State Food and Drug Commissioner to close any place, or places, mentioned in section 5695, or who shall exhibit or expose for sale in any show window upon any sidewalk, any vegetables or other articles or commodities whatsoever intended for human food, in violation of any order of the Food and Drug Commissioner, or who shall, in any way, resist or interfere with the State Food and Drug Commissioner, in the enforcement of this chapter, or any order of the State Food and Drug Commissioner made pursuant to the authority of this law, shall be deemed guilty of a misdemeanor. (Laws 1919, p. 364.)

Missouri Dairy Laws

Sec. 11985. Standards of purity.—For the purposes of this act the following definitions and standards of purity for dairy products are hereby established:

1. Milk is the fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and ten days after calving, and contains not less than eight and one-half per cent of solids not fat, and not less than three and one-quarter per cent of milk fat.

2. Blended milk is milk modified in its composition so as to have a definite and stated percentage of one or more of its constituents.

3. Skim milk is milk from which a part or all of the cream has been removed, and contains not less than nine and one-quarter per cent of milk solids.

4. Pasteurized milk is milk that has been heated below boiling, but sufficiently to kill most of the active organisms present, and immediately cooled to fifty degrees Fahrenheit or lower.

5. Sterilized milk is milk that has been heated at the temperature of boiling water or higher for a length of time sufficient to kill all organisms present.

6. Condensed milk, evaporated milk, concentrated milk, is the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within fifteen days before and ten days after calving, and contains, all tolerances being allowed for, not less than twenty-five and five-tenths per cent (25.5%) of total solids and not less than seven and eight-tenths per cent (7.8%) of milk fat.

7. Sweetened condensed milk, sweetened evaporated milk, sweetened concentrated milk, is the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained fifteen days before and ten days after calving, to which sugar (sucrose) has been added. It contains, all tolerances being allowed for, not less than twenty-eight

per cent (28.0%) of total milk solids, and not less than eight per cent (8.0%) of milk fat.

8. Condensed skimmed milk, evaporated skimmed milk, concentrated skimmed milk, is the product resulting from the evaporation of a considerable portion of the water from skimmed milk, and contains, all tolerances being allowed for, not less than twenty per cent (20.0%) of milk solids.

8a. Sweetened condensed skimmed milk, sweetened evaporated skimmed milk, sweetened concentrated skimmed milk, is the product resulting from evaporation of a considerable portion of the water from skimmed milk to which sugar (sucrose) has been added. It contains, all tolerances being allowed for, not less than twenty-eight per cent (28.0%) of milk solids.

8b. Dried milk is the product resulting from the removal of water from milk, and contains, all tolerances being allowed for, not less than twenty-six per cent (26.0%) of milk fat, and not more than five per cent (5.0%) of moisture.

8c. Dried skimmed milk is the product resulting from the removal of water from skimmed milk and contains, all tolerances being allowed for, not more than five per cent (5.0%) moisture.

8d. Malted milk is the product made by combining whole milk with the liquid separated from a mash of ground barley malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate, and potassium bicarbonate in such a manner as to secure the full enzymic action of the malt extract by removing water. The resulting product contains not less than seven and one-half per cent (7.5%) of butter fat and not more than three and one-half per cent (3.5%) of moisture.

9. Buttermilk is the product that remains when butter is removed from milk or cream in the process of churning.

10. Goat's milk, ewe's milk, et cetera, are the fresh, clean, lacteal secretions, free from colostrum, obtained by the complete milking of healthy animals other than cows, properly fed and kept, and conform in name to the species of animal from which they are obtained.

Cream.—1. Cream is that portion of milk, rich in fat, which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean, and contains not less than eighteen per cent of milk fat.

2. Evaporated cream, clotted cream, is cream from which a considerable portion of water has been evaporated.

3. Three grades of cream are hereby established, to be known and described as follows: Extra. Extra grade cream is sweet cream suitable for table use, and such as will not curdle in hot water, tea or coffee. First grade. First grade cream shall consist of cream that is clean to the taste and smell, slightly sour, containing not to exceed four-tenths of one per cent acid, and to contain not less than twenty-five per cent butter fat, and shall be free from lumps, curd, dirt, and of foreign matter. Second grade. Second grade cream is cream that is too sour to grade as first grade and having curdy or undesirable flavors or odors. Cream that is old, rancid, molded, dirty or curdy, or that is produced by unclean separators, or stored, handled or transported in unclean cans, or that has been produced, handled, separated, stored or transported in violation of this act, and all other creams not coming within any of the three grades above established, is hereby declared to be illegal, and its production, transportation and sale for human food is hereby prohibited. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and punished as provided by law.

ICE CREAM.

Ice cream is a dairy product and a frozen mixture made of milk and cream or the products thereof, with sugar, stiffeners, flavors or extracts, and with or without certified coloring and containing not less than eight per cent milk fat. Ice cream, as in this section defined, and the various ingredients thereof, shall be free from filth, manure or other harmful or disease-bearing germs, or any element, ingredient or constituent deleterious to health. The manufacture or sale in this state of ice cream having a milk fat content less than required by this act, or containing any filth, manure or other harmful disease-bearing germs or any element, ingredient or constituent deleterious to health, shall be unlawful.

Milk Fat or Butter Fat.—1. Milk fat, butter fat, is the fat of milk, and has a Reichertmeissl number not less than twenty-four and a specific gravity of not less than 0.905 40°-c.

40°-c.

Butter.—1. Butter is the clean, non-rancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than eighty-two and five-tenths per cent of milk fat, and may also contain added coloring matter.

2. Renovated butter, process butter, is the product made by melting butter and reworking, without the addition or use of chemicals or any substance except milk, cream or salt, and contains not more than sixteen per cent of water and at least eighty-two and five-tenths per cent of milk fat.

Cheese.—1. Cheese is the sound, solid and ripened product made from milk or cream by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning, and contains in the water-free substance not less than fifty per cent of milk fat, and may also contain added coloring matter.

2. Skim milk cheese is the sound, solid and ripened product made from skim milk by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning.

3. Goat's milk cheese, ewe's milk cheese, et cetera, are the sound, ripened products made from the milks of the animals specified by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning.

Miscellaneous Milk Products.—1. Whey is the product remaining after the removal of fat and casein from milk in the process of cheese making.

2. Kumiss is the product made by the alcoholic fermentation of mare's or cow's milk.

The state dairy commissioner shall have the power and he is hereby authorized to adopt and promulgate revised standards of dairy products in this section mentioned, provided: Such standards shall be in accordance with the standards now in force or which may hereafter be established and in force by the United States department of agriculture for such products, and shall have the approval of the state board of agriculture.

Sec. 11986. Use of adulterants and sale of unclean products prohibited.—It shall be unlawful to sell, or offer or expose for sale anywhere in this state, any milk or cream containing any foreign substance, or preservative of any kind whatsoever,

injurious to health, or shall sell or offer for sale or deliver to another, for domestic or potable use or to be converted into any product for human food, any unclean, impure, adulterated or unwholesome milk, or milk from which has been held back what is commonly known as strippings, or milk taken from any animal having tuberculosis, garget or other contagious or infectious disease; or any animal afflicted with any ulcer, lump-jaw, abscess or running sore; or milk that has been taken from any animal within fifteen days before or ten days after parturition, or from any animal that has been fed on any refuse from distilleries, glucose or starch factories or other waste and refuse products, or upon any feed in a rotten or unwholesome state.

Sec. 11989. Must label cheese "not full cream cheese."—No person or persons, corporation, company or other association or congregation of individuals shall manufacture, sell or offer for sale, directly or indirectly, at retail or at wholesale in this state any article to be known or denominated cheese, not made from pure cream or unskimmed milk or cream of the milk, unless such person, or persons, corporation, company or association of individuals manufacturing the same, or offering the same for sale, or selling the same, shall brand or label such cheese or articles so offered for sale denominated a cheese, with black letters not less than one inch in length in a conspicuous place and of large size in the English language, as follows: "Skimmed milk cheese," or with the words "not full cream cheese," giving the true name of such article called cheese so manufactured or offered for sale, clearly and indelibly branded, marked or labeled thereon, so that the same can be distinctly read and fully comprehended, at all stores or places or factories where the same may be offered for sale.

Sec. 11990. Cheese must contain 3 per cent butter fat.—All cheese manufactured, sold or offered for sale in this state at retail or wholesale made from milk or cream of the same, which tests not less than three per cent of butter fat, shall be deemed to be a full cream cheese; and all cheese manufactured, sold or offered for sale at any place or in any manner by any person or persons in this state at retail or wholesale made from milk or cream of the same testing less than three per cent of butter fat shall be deemed "skimmed milk cheese," or cheese not made from pure, unskimmed, unadulterated milk or cream of the same.

Sec. 11991. Shipments of "skimmed milk cheese" must be so labeled.—No person by himself or another shall ship, consign or forward by any common carrier, whether public or private, any substance designed to be used as cheese, not made from pure unskimmed milk or cream of the same, testing at least three per cent butter fat, unless such cheese is marked or labeled "skimmed milk cheese," or with the words "not full cream cheese" labeled thereon, or labeled as in this act hereinafter prescribed.

Sec. 12000. Penalties.—Any person who shall violate any of the provisions of this act, for which no other punishment is prescribed, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be punished as provided by law.

Sec. 12002. Effacing label a misdemeanor.—Whoever shall efface, erase, cancel or remove any marks or label on any such article or cheese, provided for by sections 11989 to 11991 of this article, with intent to mislead, deceive or to violate any of the provisions of said sections, shall be deemed guilty of a misdemeanor, and, on a conviction, be fined in a sum not less than fifty dollars or more than five hundred dollars.

Sec. 12004. Imitation butter defined.—For the purpose of sections 12004 to 12016 of this article, every article, substitute or compound, other than that produced from pure milk or cream from the same, made in the semblance of butter and designed to be used as a substitute for butter made from pure milk, or cream from the same, is hereby declared to be imitation butter.

Sec. 12005. Coloring of imitation butter prohibited.—No person shall combine any animal fat or vegetable oil or other substance with butter, or combine therewith or with animal fat or vegetable oil or combination of the two, or with either one, any other substance or substances whatever, any annatto or compound of the same, or any other substance or substances, for the purpose or with the effect of imparting thereto a yellow color or any shade of yellow, so that such substitute shall resemble yellow or any shade of genuine yellow butter, nor introduce any such coloring matter or such substance or substances into any of the articles of which the same is composed: Provided, nothing in said sections 12004 to 12016 shall be construed to prohibit the use of salt and harmless coloring matter for coloring the substitutes for butter manufactured

for export or sale outside the state. No person shall, by himself, his agents or employes, produce or manufacture any substance in imitation or semblance of natural butter, nor sell, nor keep for sale, nor offer for sale, any imitation butter made or manufactured, compounded or produced in violation of this section, whether such an imitation butter shall be made or produced in this state or elsewhere. This section shall not be construed to prohibit the manufacture and sale, under the regulations hereinafter provided, of substances designed to be used as a substitute for butter, and not manufactured or colored as herein prohibited.

(The proviso in section 12005 need not be negative in indictment. This law is not violative of any part, either of the Constitution, of the State or the United States. *State v. Bockstruck*, 136 Mo. 335. See, also, *State v. Addington*, 12 A. 214; s. c. 77 Mo. 110. Only required to prove that the substance used produced a yellow color without proving what the substance was. *State v. Stocker*, 80 A. 354; *State v. Bockstruck*, 136 Mo. 335. The provisions of this section are constitutional, notwithstanding another section of same act requires fines to be paid into state treasury instead of school fund. *State v. Newell*, 140 Mo. 282.)

Sec. 12006. Vessels containing imitation butter to be marked, how.—Every person who lawfully manufactures any substance designed to be used as a substitute for butter shall mark, by branding, stamping or stenciling upon the top and side of each tub, firkin, box or other package in which such article shall be kept, and in which it shall be removed from the place where it is produced, in a clean and durable manner, in the English language, the words, “substitute for butter,” in printed letters, in plain Roman type, each of which shall not be less than one inch in length and one-half inch in width.

Sec. 12007. Imitation butter to be shipped under its true name.—No person, by himself, or another, shall ship, consign or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter, and no carrier shall knowingly receive the same for the purpose of forwarding or transporting, unless it shall be manufactured and marked as provided in the preceding section of this article, and unless it be consigned by the carrier and receipted for by its true name: Provided, that said sections 12004 to

12016 shall not apply to any goods in transit between foreign states across the state of Missouri.

Sec. 12008. Not to mix oleomargarine with butter.—No person shall mix oleomargarine, suine, butterine, beef fat, lard or other foreign substance with any butter or cheese intended for human food without distinctly marking or stamping or labeling the article or package containing the same with the true and appropriate name of such article, and the percentage in which such oleomargarine or other such substance enters into its composition. Every person offering for sale must inform the purchaser of contents and make-up of article. Whoever shall violate the provisions of this section shall be punished as provided for by section 12012.

Sec. 12009. Renovated butter to be branded.—No person, firm or corporation, agent or employe, shall sell, offer or expose for sale, or deliver to any purchaser, any boiled, process, or renovated butter, unless the words, “renovated butter” shall be plainly branded in bold face letters, at least three-fourths of an inch in length, on the top and side of each tub, or box or pail, or other kind of case or package, or on the wrapper of prints or rolls of bulk packages in which it is put up. If such butter is exposed for sale uncovered or not in a case or package, a placard containing a label so printed shall be attached to the mass of butter in such a manner as to be easily seen and read by the purchaser. The branding or marking of all packages shall be in the English language and in a conspicuous place, so as to be easily read by the purchaser. Whoever shall violate the provisions of this section shall be punished as provided for by section 12012.

Sec. 12010. Possession of substitute for butter, presumption.—No person shall have in his possession or under his control any substance designed to be used as a substitute for butter, unless the tub, firkin, box or other package containing the same be clearly and durably marked, as provided by section 12007 of this article: Provided, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves and family. Every person having in possession or control of any substance designed to be used as a substitute for butter, which is not marked as required by the provisions of sections 12004 to 12016 of this article, shall be presumed to have known, during the time of such possession or control, the true character and name, as fixed by said sections of this article, of such product.

Sec. 12011. Offering imitation butter for sale. No person, by himself or another, shall sell or offer for sale any substance designed to be used for a substitute for butter under the name of or under the pretense that the same is butter.

Sec. 12012. Penalties for violation of law.— Every person, firm or corporation who shall violate any of the provisions of sections 12005, 12006, 12007, 12010 and 12011 of this article shall forfeit and pay to the state of Missouri, for the use of the school fund, for every such violation, the sum of fifty dollars and costs of suit, to be recovered by civil action in the name of the state of Missouri on the relation of any person having knowledge of the facts before any justice of the peace of the city or county where such violation occurs or any other court of competent jurisdiction, subject to appeal to the circuit court, as in other cases; and it is further enacted that every person, firm or corporation who shall violate the provisions of sections 12004 to 12016, inclusive, of this article, in addition to the civil liability to the state of Missouri herein provided, shall be deemed guilty of a misdemeanor, and shall for the first offense be punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment not exceeding thirty days, and for each subsequent offense by a fine of not less than two hundred and fifty dollars nor more than five hundred dollars or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment in the discretion of the court.

Dairy Products.—Sec. 3631. Selling oleomargarine—label.—Whoever manufactures out of any oleaginous substances or any compounds of the same, resembling butter in appearance, manufactured from cattle fat or hog fat, or such substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine and neutral, all lard extracts and tallow extracts, and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annatto and other coloring matter, intestinal fat and offal fat, other than that produced from unadulterated milk or cream from the same, any article designed to take the place of butter or cheese, produced from pure, unadulterated milk or cream of the same, or any article made in imitation of butter, or when so made, calculated, or intended to be sold as butter or for butter, unless said manufacturers shall pack said imitation substitute in

firkins, tubs or wooden or paper packages, with the true name of said imitation substitute clearly and indelibly branded, marked, or labeled thereon, or whoever shall sell, or offer for sale, the same as an article of food, unless said imitation substitute is properly packed in firkins, tubs or wooden or paper packages, with the true name of said imitation substitute clearly and indelibly branded, marked or labeled thereon, shall be guilty of a misdemeanor, and shall, on conviction thereof, be confined in the county jail not exceeding one year, or fined not exceeding one thousand dollars, or both.

Sec. 3632. Oleomargarine unlabeled.—Any hotel or boarding house keeper in this state who shall set before the guests at any meal any compound resembling butter in appearance, manufactured from cattle fat or hog fat, or such other articles, known to the trade as oleomargarine, and shall not clearly and legibly mark the vessel in which such compound is served with the words “oleomargarine,” or “impure butter,” shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than one hundred nor more than five hundred dollars.

Sec. 8646. Cities may, by ordinance, regulate sale of milk.—All cities and towns in the state shall have power, by ordinance, to license and regulate milk dairies and the sale of milk and provide for the inspection thereof.

Color of Oleomargarine.—In reply to the inquiries received relative to the sale of colored oleomargarine in this state, this department must cite the inquiries to section 12004, Revised Statutes, 1919, Vol. III, page 12001, which defines an imitation or substitute for butter; also to section 12005, Revised Statutes, 1919, Vol. III, page 12001, which forbids the sale within the state of a butter substitute (oleomargarine) which is in any way caused to be “yellow or any shade of yellow so that such substitutes shall resemble yellow or any shade of genuine yellow butter.” Moreover, inasmuch as the only object there can be in coloring oleomargarine to resemble natural yellow butter is to make it to appear to be of greater value than it really is, it will come under article 4, section 4, Senate bill 47, page 238, Session Acts, 1907, which reads, “Food shall be deemed to be adulterated: 4. If it is mixed, colored, coated, polished, powdered or stained in a manner whereby damage or inferiority is concealed; or if, by any means, it is made to appear to be better

or of greater value than it really is;" therefore, this department holds as adulterated all oleomargarine or butter substitute which is so made as to be yellow, resembling genuine yellow butter and as such its sale is prohibited in the state of Missouri.

NEW ANTI-DISCRIMINATION LAW.

The following is the complete text of the new 1921 "anti-discrimination law," the William Hirth bill, carrying an emergency clause which put the measure into effect immediately as soon as it was signed by Governor Arthur M. Hyde:

"An act to prohibit unfair discrimination in the purchase of milk, cream, butter fat, butter, eggs and poultry, to provide a penalty for its violation, and to prescribe the duties of the attorney-general of Missouri and the circuit courts of Missouri in relation to any person, firm, company, association or corporation convicted of a violation of this act, with an emergency clause.

"Be it enacted by the General Assembly of the State of Missouri, as follows:

"Section 1. Deemed guilty of unfair discrimination, when.—Any person, firm, company, association or corporation, foreign or domestic, doing business in the state of Missouri and engaged in the business of buying milk, cream, butter fat, butter, poultry and eggs, for the purpose of manufacture, sale or storage, that, for the purpose of destroying or injuring the business of a competitor, shall discriminate between different sections, localities, communities, cities or towns of this state by purchasing such commodity or commodities at a higher price or rate in one section, locality, community, city or town than is paid for the same commodity by such person, firm, company, association or corporation in another section, locality, community, city or town, after making due allowance for the difference, if any, in the grade or quality of such commodity, and in the actual cost of transportation from the point of purchase to the point of manufacture, sale or storage, together with the actual expense of labor, storage, or rent in purchasing the same at point of purchase, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful; provided, that the fact that any person, firm, company, association or corporation purchase any of the above mentioned commodities at

a higher price or rate in one section, locality, community, city or town than is paid at the time for the same commodity by the same person, firm, company, association or corporation in another section, locality, community, city or town, after making due allowance for the difference, if any, in the grade or quality and in the actual cost of transportation from the point of purchase to the point of manufacture, sale or storage, shall be prima facie evidence that such higher price or rate was paid for the purpose of destroying or injuring the business of a competitor, and that such person, firm, company, association or corporation is guilty of unfair discrimination.

“Sec. 2. Conviction for unfair discrimination—penalty.—Any person, firm, company, association or corporation who shall be convicted of unfair discrimination, as defined by this act, shall be fined for each offense not less than one thousand dollars, nor more than ten thousand dollars, and, in addition thereto, shall be enjoined, upon the application of the State of Missouri, from engaging directly or indirectly in the business of purchasing in any such commodities.

“Sec. 3. Duty of attorney-general of state to institute suit—court shall issue injunction, when.—It is hereby made the duty of the attorney-general of the state of Missouri upon being informed that any person, firm, company, association or corporation has been convicted of unfair discrimination, as defined in this act, immediately to institute suit in the name of the state of Missouri in any circuit court of this state where service may be had upon the defendant, against such person, firm, company, association or corporation, to enjoin such person, firm, company, association or corporation from engaging directly or indirectly in the business of buying any such commodities; and upon proof that any such person, firm, company, association or corporation has been convicted of unfair discrimination, the court shall issue such injunction.

“Sec. 4. Emergency.—There being no adequate law in Missouri to prevent unfair discrimination in the purchase of the commodities mentioned in this act, and there being a necessity for the immediate protection of the people of Missouri against such unfair discrimination, an emergency exists within the meaning of the Constitution; therefore, this act shall take effect and be in force from and after its passage.”

Milk and Cream Can Law

Sec. 12017. Receptacles kept clean.—Every person delivering milk, cream, or ice cream to creameries, cheese factories, common carriers, or any person, persons, co-partnership, association or corporation, in cans, bottles, or other vessels, shall have such cans, bottles or other vessels free from deleterious substances, filth, or rust, and in a wholesome condition from containing such milk, cream, or ice cream.

Sec. 12018. Receptacles emptied, cleaned and returned to common carriers.—Every person receiving milk, cream, or ice cream from a common carrier in cans, bottles, or other vessels, which are to be returned to the shipper, shall cause such vessels to be promptly emptied, cleansed, and delivered to the common carrier to be returned to the shipper, and it shall be the duty of such common carrier receiving the same to have said cans, bottles, or other vessels in transit within not to exceed twenty-four hours after receiving the same.

Sec. 12019. Receptacle cleaned and returned to owner.—Every person receiving milk, cream or ice cream from a manufacturer or distributor of the same in cans, bottles, or other vessels which are to be returned to the manufacturer or distributor, shall cause such vessels, after being emptied, to be promptly cleansed and returned.

Sec. 12020. Receptacles for milk, cream, etc.—brands, certificate.—Any person engaged in manufacturing, bottling, or selling milk, buttermilk, cream or ice cream in any kind of receptacle, having the name of such person or other mark or device printed, stamped, engraved, etched, blown, painted or otherwise permanently fixed upon the same, may file in the office of the secretary of state for record a description of the name, mark, or device so used; and cause such description to be printed once each week for three successive weeks in a newspaper published in the county in which the principal place of business of such person is located, or if the principal place of business of such person is located in another state, then in the county wherein the principal office or depot of such person within the state of Missouri is located. It shall be the duty of the secretary of state to issue to the person so filing for record a description of such name, mark, or device

in his office, to duly attest a certificate of the record of the same, for which he shall receive the fee prescribed by statute for the issuance of certificates. In all prosecutions under this article such certificate shall be prima facie evidence of the adoption and ownership of such name, mark, or device and of the right of the person named therein to adopt and use the same.

Sec. 12021. Receptacles—unlawful use.—It shall be unlawful for any person other than the one named in the certificate issued by the secretary of state as provided in the last preceding section, without the written consent of the person named in such certificate, to fill any receptacle bearing the name, mark or device recorded as provided in said section with milk, buttermilk, cream, ice cream or any other substance or to deface, erase, obliterate, cover up or otherwise remove or conceal any such name, mark or device on any such receptacle, or to buy, sell, give, take, dispose of in any way, traffic in or destroy any receptacle bearing any such name, mark or device.

Sec. 12022. Receptacles—unlawful possession. Any person having in possession or under control any receptacle bearing any name, mark or device recorded as provided in the second preceding section, and not holding a written transfer or bill of sale therefor from the person named in the certificate provided for in said section, or other authority in writing from such person, shall upon demand deliver such receptacle to the person named in such certificate or to the authorized agent of such person, and any person failing or refusing to so deliver the same when demanded shall be deemed guilty of a misdemeanor.

Sec. 12023. Search warrants—prosecution.—Whenever any person who has filed for record any such name, mark or device, or who has acquired from such person in writing the ownership of such name, mark or device, or the right to the exclusive use thereof, shall make oath before any justice of the peace or police judge that he has reason to believe and does believe that any receptacle bearing such name, mark or device is being unlawfully used or filled or had in possession by any other person, such justice of the peace or police judge shall thereupon issue a search warrant to discover and obtain such receptacle and may also cause the person in whose possession such receptacle shall be found to be brought before him and shall then inquire into the

circumstances of such possession, and if it shall be found that such person is guilty of violation of any section of this article he shall be punished in the manner herein prescribed and the possession of the property taken upon such warrant shall be awarded to the owner thereof, but the remedy provided by this section shall not be held to be exclusive, and offenders against any provision of this article may be prosecuted as in case of other misdemeanors.

Sec. 12024. Penalty.—Any person offending against any provision of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than five dollars nor more than twenty-five dollars, and each receptacle unlawfully dealt with as herein provided shall be deemed and held to constitute a separate offense.

Sec. 12025. Definitions — instructions. — As used in this article, the term “receptacle” shall include not only bottles, siphons, tins, kegs, barrels of all sizes, boxes, ice cream cabinets, cans, and tubs, but all other receptacles used for holding any of the commodities named in this article, the singular may include the plural and the plural may include the singular term, “person” may include corporation, and the requirements for written transfer, bill of sale, authority or consent, means that it shall be signed by the person named in the certificate issued by the Secretary of State as herein provided, or by a transferee thereof claiming under a written assignment from such person, or by an agent whose authority is in writing, signed by such person or such transferee.

Sec. 12026. “Sale” construed.—The requiring or taking of any deposit for any purpose upon such receptacle shall not be deemed nor held to be a sale either optionally or otherwise in any proceeding under this article.

NOTICE TO ALL PERSONS HANDLING MILK.

Preservatives.—Many producers and dealers of milk and cream seem to be laboring under the impression that there are on the market chemical milk preservatives which can be legally used. Such is not the case. Keep the milk clean and cold and it will keep sweet of itself.

Short Measure Milk Bottles are in use in this state, same holding only about ninety per cent of

the supposed amount. A pint of milk weighs one pound strong and a quart of milk weighs two pounds strong. Test the bottles.

Dirty Milk is Adulterated Milk and Its Sale is Prohibited.—When a dark grey sediment settles to the bottom of a bottle of milk, that milk is too dirty to be a safe food for a child. In this state there are approximately 40,000 babies under one year of age; of these about 30,000 are being raised on cow's milk. Statistics show that the likelihood of death of the child fed on ordinary milk is four times what it is when fed on really clean milk.

Milk Cans Which are Dirty and Rusty, and bottles also which have not been sterilized by live steam or scalding hot water each time before using, are a public menace, as these conditions tend to poison the milk content, the milk being a culture media for disease and other germs.

Failure to comply with above conditions is clearly a violation of the Milk and Cream Can Law of 1917.

PHYSICAL EXAMINATION AND TUBERCULIN TEST FOR CATTLE BEFORE DISPOSING OF MILK, CREAM, BUTTER OR BUTTERMILK.

Sections One and Two, Laws of Missouri, 1921, pages 145 and 146.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Requiring physical examination and tuberculin test of cattle in herds of five or more before disposing of milk, cream, butter or buttermilk.—No person, firm or corporation owning, or in charge of, any herd of cattle containing five head of cows or more, after January 1, 1922, shall sell, offer for sale, give away, or deliver any milk, cream, butter or buttermilk from any of the cows of such herd, unless all the herd of cattle containing such five head of cows or more, owned by, or in possession of such person, firm or corporation have been duly inspected and tested and found free from tuberculosis and other communicable disease, as determined by a physical examination and the tuberculin test by an official, duly authorized by this state or the federal government. Provided,

that said examination and tuberculin test shall incur no expense whatever to the owner of said herd.

Sec. 2. Violation of act a misdemeanor.—Any person, firm or corporation, who violates any of the provisions of this act, shall be deemed guilty of a misdemeanor.

Approved March 29, 1921.

Food Standards

1. ANIMAL PRODUCTS.

Meat and the Principal Meat Products.

Meats.

1. Meat, flesh, is any clean, sound, dressed and properly prepared edible parts of animals in good health at the time of slaughter, and if it bears a name descriptive of its kind, composition, or origin, it corresponds thereto. The term "animals," as herein used, includes not only mammals, but fish, fowl, crustaceans, mollusks and all other animals used as food.

2. Fresh meat is meat from animals recently slaughtered and properly cooled until delivered to the consumer.

3. Cold storage meat is meat from animals recently slaughtered and preserved by refrigeration until delivered to the consumer.

4. Salted, pickled and smoked meats are un-mixed meats preserved by salt, sugar, vinegar, spices or smoke, singly or in combination, whether in bulk or in suitable containers.

Suitable containers for keeping moist food products such as sirups, honey, condensed milk, soups, meat extracts, meats, manufactured meats, and undried fruits and vegetables, and wrappers in contact with food products, must not contain on their surfaces in contact with the food product, any lead, antimony, arsenic, zinc or copper or any compounds thereof or any other poisonous or injurious substance. If the containers are made of tin plate, they must be outside-soldered and the plate in no place to contain less than one hundred and thirteen (113) milligrams of tin on a piece five (5) centimeters square, or one and eight-tenths (1.8) grains on a piece two (2) inches square; the inner coating of the containers must be free from pin holes, blisters and cracks; the tin plate must be lacquered, the lacquer completely covering the tinned surface within the container and yielding to the contents of the container no lead, antimony, arsenic, zinc or copper or any compounds thereof, or any other poisonous or injurious substance.

The establishment of proper periods of time for cold storage is reserved for future consideration when the investigations on this subject are completed and authorized by law.

Manufactured Meats.

1. Manufactured meats are meats not included in paragraphs 2, 3 and 4, whether simple or mixed, whole or combined, in bulk or in suitable containers, with or without the addition of salt, sugar, vinegar, spices, smoke, oils or rendered fat. If they bear names descriptive of kind, composition or origin, they should correspond thereto, and when bearing such descriptive names, if flavoring meats are used, the kind and quantity thereof should be shown on label.

Meat Extracts, Meat Peptones, Gelatin, Etc.

1. Meat extract is the product obtained by extracting meat with boiling water and concentrating the liquid portion by evaporation after the removal of fat, and contains not less than seventy-five (75) per cent of total solids of which not over twenty-seven (27) per cent is ash, and not over twelve (12) per cent is sodium chlorid (calculated from the total chlorin present), not over six-tenths (0.6) per cent is fat, and not less than seven (7) per cent is nitrogen. The nitrogenous compounds contain not less than forty (40) per cent of meat bases and not less than ten (10) per cent of creatin.

2. Fluid meat extract is identical with meat extract except that it is concentrated to a lower degree and contains not more than seventy-five (75) and not less than fifty (50) per cent of total solids.

3. Meat juice is the fluid portion of muscle fiber, obtained by pressure or otherwise, and may be concentrated by evaporation at a temperature below the coagulating point of the soluble proteids. The solids contain not more than fifteen (15) per cent of ash, not more than two and five-tenths (2.5) per cent of sodium chlorid (calculated from the total chlorin present), not more than four (4) nor less than (2) per cent of phosphoric acid (P O₅), and not less than twelve (12) per cent of nitrogen. The nitrogenous bodies contain not less than thirty-five (35) per cent of coagulable proteids and not more than forty (40) per cent of meat bases.

4. Peptones are products prepared by the digestion of proteid material by means of enzymes or otherwise, and contain not less than ninety (90) per cent of proteoses and peptones.

5. Gelatin (edible gelatin) is the purified, dried, inodorous product of the hydrolysis, by treatment with boiling water, of certain tissues as skin, ligaments, and bones, from sound animals, and contains not more than two (2) per cent of ash and not less than fifteen (15) per cent of nitrogen.

d. Lard.

1. Lard is the rendered fresh fat from hogs in good health at the time of slaughter, is clean, free from rancidity, and contains necessarily incorporated in the process of rendering not more than one (1) per cent of substances, other than fatty acids and fat.

2. Leaf lard is lard rendered at moderately high temperature from the internal fat of the abdomen of the hog, excluding that adherent to the intestines, and has an iodine number not greater than sixty (60).

3. Neutral lard is lard rendered at low temperatures.

II. VEGETABLE PRODUCTS.

A. Grain Products.

a. Grains and Meals.

1. Grain is the fully matured, clean, sound, air-dry seed of wheat, maize, rice, oats, rye, buckwheat, barley, sorghum, millet or spelt.

2. Meal is the clean, sound product made by grinding grain.

3. Flour is the fine, clean, sound product made by bolting wheat meal and contains not more than thirteen and one-half (13.5) per cent of moisture, not less than one and twenty-five hundredths (1.25) per cent of nitrogen, not more than one (1) per cent of ash and not more than fifty hundredths (0.50) per cent of fiber.

4. Graham flour is unbolted wheat meal.

5. Gluten flour is the clean, sound product made from flour by the removal of starch, and contains not less than five and six-tenths (5.6) per cent of nitrogen and not more than ten (10) per cent of moisture.

6. Maize meal, corn meal, Indian corn meal is meal made from sound maize grain and contains not more than fourteen (14) per cent of moisture, not less than one and twelve-hundredths (1.12) per cent of nitrogen, and not more than one and six-tenths (1.6) per cent of ash.

7. Rice is the hulled, or hulled and polished grain of *Oryza sativa*.

8. Oatmeal is meal made from hulled oats and contains not more than twelve (12) per cent of moisture, not more than one and five-tenths (1.5) per cent of crude fiber, not less than two and twenty-four hundredths (2.24) per cent of nitrogen, and not more than two and two-tenths (2.2) per cent of ash.

9. Rye flour is the fine, clean, sound product made by bolting rye meal and contains not more than thirteen and one-half (13.5) per cent of moisture, not less than one and thirty-six hundredths (1.36) per cent of nitrogen and not more than one and twenty-five hundredths (1.25) per cent of ash.

10. Buckwheat flour is bolted buckwheat and contains not more than twelve (12) per cent of moisture, not less than one and twenty-eight hundredths (1.28) per cent of nitrogen, and not more than one and seventy-five hundredths (1.75) per cent of ash.

Fruits and Vegetables.

Fruit and Fruit Products.

(Except fruit juices, fresh, sweet, and fermented, and vinegars.)

1. Fruits are the clean, sound, edible, fleshy fructifications of plants, distinguished by their sweet, acid and ethereal flavors.

2. Dried fruit is the clean, sound product made by drying mature, properly prepared, fresh fruit in such a way as to take up no harmful substance, and conforms in name to the fruit used in its preparation; sun-dried fruit is dried fruit made by drying without the use of artificial means; evaporated fruit is dried fruit made by drying with the use of artificial means.

3. Evaporated apples are evaporated fruit made from peeled and cored apples, and contain not more than twenty-seven (27) per cent of moisture, determined by the usual commercial method of drying for four hours at the temperature of boiling water.

(Standards for other dried fruits are in preparation.)

4. Canned fruit is the sound product made by sterilizing clean, sound, properly matured and prepared fresh fruit, by heating, with or without sugar (sucrose) and spices, and keeping in suitable, clean,

hermetically sealed containers, and conforms in name to the fruit used in its preparation.

5. Preserve is the sound product made from clean, sound, properly matured and prepared fresh fruit and sugar (sucrose) sirup, with or without spices or vinegar, and conforms in name to that of the fruit used, and in its preparation not less than forty-five (45) pounds of fruit are used to each fifty-five (55) pounds of sugar.

6. Honey preserve is preserve in which honey is used in place of sugar (sucrose) sirup.

7. Glucose preserve is preserve in which a glucose product is used in place of sugar (sucrose) sirup.

8. Jam, marmalade, is the sound product made from clean, sound, properly matured and prepared fresh fruit and sugar (sucrose), with or without spices or vinegar, by boiling to a pulpy or semi-solid consistency, and conforms in name to the fruit used, and in its preparation.

9. Glucose jam, glucose marmalade, is jam in which a glucose product is used in place of sugar (sucrose).

10. Fruit butter is the sound product made from fruit juice and clean, sound, properly matured and prepared fruit, evaporated to a semi-solid mass of homogeneous consistency, with or without the addition of sugar and spices or vinegar and conforms in name to the fruit used in its preparation.

11. Glucose fruit butter is fruit butter in which a glucose product is used in place of sugar (sucrose).

12. Jelly is the sound, semi-solid, gelatinous product made by boiling clean, sound, properly matured and prepared fresh fruit with water concentrating the expressed and strained juice, to which sugar (sucrose) is added, and conforms in name to the fruit used in its preparation.

13. Glucose jelly is jelly in which a glucose product is used in place of sugar (sucrose).

Deliverance by Dr. Alsberg re Standards for Jams, Jellies and Preserves.

“Investigations of the Bureau of Chemistry have shown that the commercial methods of preparing preserves, jams, marmalades and fruit jellies have been undergoing changes in recent years, so that at the present time these foods, as they are shipped in interstate commerce, are prepared from a greater variety of materials than was formerly

the case. Fresh fruit, preserved, canned and dried fruit are all being used. In some types the fruit is ripe and in others unripe. Sugar and corn syrup are used as sweeteners of preserves, and it is expected that malt sugar syrup and other wholesome syrups will be used during the coming season. Some products are acidulated by the use of phosphoric, lactic or tartaric acid. Due to the different kinds of materials that are used, the products of different manufacturers, and sometimes different brands of the same manufacturer, may differ in the important characteristic of flavor and consistency. The Bureau considers that the purchasers should be afforded means by which they can distinguish the particular variety of preserves, jams, marmalade or fruit jelly which suits their taste, and therefore, deems it desirable that information concerning the nature of the ingredients which give the food its character should be stated upon the label."

*United States Department
of Agriculture*

Office of the Secretary, Washington, D. C.

Food Inspection Decision 182.

Citrus Fruits.

The following definitions and standards for grapefruit and oranges were adopted by the Joint Committee on Definitions and Standards, March 23, 1921, and were approved by the Association of American Dairy, Food and Drug Officials, October 7, 1920, and by the Association of Official Agricultural Chemists, August 19, 1921.

Grapefruit, pomelo, is the sound, mature fruit of *Citrus grandis* Osbeck. The juice of the mature fruit contains not less than seven (7) parts of soluble solids to each part of acid calculated as citric acid without water of crystallization.

Orange (common, sweet, or round) is the sound, mature fruit of *Citrus sinensis* Osbeck. The juice of the mature fruit contains not less than eight (8) parts of soluble solids to each part of acid calculated as citric acid without water of crystallization.

The foregoing definitions and standards are adopted as a guide for the officials of this department in enforcing the Food and Drugs Act.

HENRY C. WALLACE,

Secretary of Agriculture.

Washington, D. C., September 20, 1921.

b. Vegetables and Vegetable Products.

1. Vegetables are the succulent, clean, sound, edible parts of herbaceous plants used for culinary purposes.

2. Dried vegetables are the clean, sound products made by drying properly matured and prepared vegetables in such a way as to take up no harmful substance, and conform in name to the vegetables used in their preparation; sun-dried vegetables are dried vegetables made by drying without the use of artificial means; evaporated vegetables are dried vegetables made by drying with the use of artificial means.

3. Canned vegetables are sound, properly matured and prepared fresh vegetables, with or with-

out salt, sterilized by heat, with or without previous cooking in vessels, from which they take up no metallic substance, kept in suitable, clean hermetically sealed containers, are sound, and conform in name to the vegetables used in their preparation.

4. Pickles are clean, sound, immature cucumbers, properly prepared, without taking up any metallic compound other than salt, and preserved in any kind of vinegar, with or without spices; pickled onions, pickled beets, pickled beans, and other pickled vegetables are vegetables prepared as described above, and conform in name to the vegetables used.

5. Salt pickles are clean, sound, immature cucumbers, preserved in a solution of common salt, with or without spices.

6. Sweet pickles are pickled cucumbers or other vegetables in the preparation of which sugar (sucrose) is used.

7. Sauerkraut is clean, sound, properly prepared cabbage, mixed with salt, and subjected to fermentation.

8. Catchup (ketchup, catsup), is the clean, sound product made from the properly prepared pulp of clean, sound, fresh, ripe tomatoes, with spices and with or without sugar and vinegar; mushroom catchup, walnut catchup, et cetera, are catchups made as above described, and conform in name to the substances used in their preparation.

Sugars and Related Substances.

Sugar and Sugar Products.

Sugars.

1. Sugar is the product chemically known as sucrose (sacchrose), chiefly obtained from sugar cane, sugar beets, sorghum, maple and palm.

2. Granulated, loaf, cut, milled and powdered sugars are different forms of sugar and contain at least ninety-nine and five-tenths per cent of sucrose.

3. Maple sugar is the solid product resulting from the evaporation of maple sap, and contains in the water-free substance not less than sixty-five one-hundredths (0.65)-per cent of maple sugar ash.

4. Masecuite, melada, mush sugar, and concrete are products made by evaporating the purified juice of a sugar producing plant, or a solution of sugar, to a solid or semi-solid consistency, and in which the sugar chiefly exists in a crystalline state.

Molasses and Refiners' Syrup.

1. Molasses is the product left after separating the sugar from massecuite, melada, mush sugar, or concrete, and contains not more than twenty-five (25) per cent of water and not more than five (5) per cent of ash.

2. Refiners' sirup, treacle, is the residual liquid product obtained in the process of refining raw sugars and contains not more than twenty-five (25) per cent of water and not more than eight (8) per cent of ash.

Sirup.

1. Sirup is the sound product made by purifying and evaporating the juice of a sugar producing plant without removing any of the sugar.

2. Sugar-cane sirup is sirup made by the evaporation of the juice of the sugar-cane, or by the solution of sugar-cane concrete, and contains not more than thirty (30) per cent of water and not more than two and five-tenths (2.5) per cent of ash.

3. Sorghum sirup is sirup made by the evaporation of sorghum juice or by the solution of sorghum concrete, and contains not more than thirty (30) per cent of water and not more than two and five-tenths (2.5) per cent of ash.

4. Maple sirup is sirup made by the evaporation of maple sap, or by the solution of maple concrete, and contains not more than thirty-two (32) per cent of water and not less than forty-five hundredths (0.45) per cent of maple sirup ash.

5. Sugar sirup is the product made by dissolving sugar to the consistency of a sirup and contains not more than thirty-five (35) per cent of water.

b. Corn Sugar Products.

1. Starch sugar is the solid product made by hydrolyzing starch or a starch-containing substance until the greater part of the starch is converted into dextrose. Starch sugar appears in commerce in two forms, anhydrous starch sugar and hydrous starch sugar. The former, crystallized without water of crystallization, contains not less than ninety-five (95) per cent of dextrose and not more than eight-tenths (0.8) per cent of ash. The latter crystallized with water of crystallization, is of two varieties—70 sugar, also known as brewers' sugar, contains not less than seventy (70) per cent of dextrose and not more than eight-tenths (0.8) per cent of ash; 80 sugar, climax or acme sugar, contains

not less than eighty (80) per cent of dextrose and not more than one and one-half (1.5) per cent of ash.

The ash of all these products consists almost entirely of chlorids and sulphates.

2. Glucose, mixing glucose, confectioner's glucose, is a thick sirupy, colorless product made by incompletely hydrolyzing starch, or a starch-containing substance, and decolorizing and evaporating the product. It varies in density from forty-one (41) to forty-five (45) degrees Baume at a temperature of 100° Fahr. (37.7°C.), and conforms in density, within these limits, to the degrees Baume it is claimed to show, and for density of forty-one (41) degrees Baume contains not more than twenty-one (21) per cent, and for a density of forty-five (45) degrees not more than fourteen (14) per cent of water. It contains on a basis of forty-one (41) degrees Baume not more than one (1) per cent of ash, consisting chiefly of chlorids and sulphates.

Candy.

1. Candy is a product made from a saccharine substance or substances with or without addition of harmless coloring, flavoring or filling materials and contains no terre alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health, or any vinous malt or spirituous liquor or compound, or narcotic drug.

Honey.

1. Honey is the nectar and saccharine exudations of plants gathered, modified, and stored in the comb by honey bees (*Apis mellifica* and *A. dorsata*); is laevo-rotatory, contains not more than twenty-five hundredths (0.25) per cent of ash, and not more than eight (8) per cent of sucrose.

2. Comb honey is honey contained in the cells of the comb.

3. Extracted honey is honey which has been separated from the uncrushed comb by centrifugal force or gravity.

4. Strained honey is honey removed from the crushed comb by straining or other means.

Condiments (except vinegar and salt).

Spices.

1. Spices are aromatic vegetable substances used for the seasoning of food and from which no

portion of any volatile oil or other flavoring principle has been removed and which are clean, sound and true to name.

2. Allspice, pimento, is the dried fruit of the *Pimenta, pimenta* (L) Kars., and contains not less than eight (8) per cent. of quercitannic acid a; not more than six (6) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than twenty-five (25) per cent of crude fiber.

3. Anise is the fruit of the *Pimpinella anisum* L.

4. Bay leaf is the dried leaf of *Laurus nobilis* L.

5. Capers are the flower buds of *Capparis spinosa* L.

6. Caraway is the fruit of *Carum carvi* L.

Cayenne and Red Pepper.

7. Red pepper is the red, dried, ripe fruit of any species of *Capsicum*.

8. Cayenne pepper, cayenne, is the dried, ripe fruit of *Capsicum frutescens* L., *Capsicum baccatum* L., or some other small-fruited species of *Capsicum*, and contains not less than fifteen (15) per cent of nonvolatile ether extract; not more than six and five-tenths (6.5) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid; not more than one and five-tenths (1.5) per cent of starch, and not more than twenty-eight (28) per cent of crude fiber.

9. Paprika is the dried, ripe fruit of *Capsicum annum* L., or some other large-fruited species of *Capsicum*, excluding seeds and stems.

10. Celery seed is the dried fruit of *Apium graveolens* L.

11. Cinnamon is the dried bark of any species of the genus *Cinnamomum*, from which the outer layers may or may not have been removed.

12. True cinnamon is the dried inner bark of *Cinnamomum zeylanicum* Breyne.

13. Cassia is the dried bark of various species of *Cinnamomum zeylanicum*, from which the outer layers may or may not have been removed.

14. Cassia buds are the dried immature fruit of species of *cinnamomum*.

15. Ground cinnamon, ground cassia, is a powder consisting of cinnamon, cassia, cassia buds, or a mixture of these spices, and contains not more than six (6) per cent of total ash and not more than two (2) per cent of sand.

16. Cloves are the dried flower buds of *Caryophyllus aromaticus* L., which contain not more than five (5) per cent of clove stems; not less than ten (10) per cent of volatile ether extract; not less than twelve (12) per cent of quercitannic acid; not more than eight (8) per cent of total ash; not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

17. Coriander is the dried fruit of *Coriandrum sativum* L.

18. Cumin seed is the fruit of *Cuminum cyminum* L.

19. Dill seed is the fruit of *Anethum graveolens* L.

20. Fennel is the fruit of *Foeniculum foeniculum* (L.) Karst.

21. Ginger is the washed and dried or decorticated and dried rhizome of *Zinziber zingiber* (L.) Karst., and contains not less than forty-two (42) per cent of starch; not more than eight (8) per cent of crude fiber; not more than six (6) per cent of total ash; not more than one (1) per cent of lime, and not more than three (3) per cent of ash insoluble in hydrochloric acid.

22. Limed ginger, bleached ginger, is whole ginger, coated with carbonate of lime, and contains not more than ten (10) per cent of ash, not more than four (4) per cent of carbonate of lime, and conforms in other respects to the standard for ginger.

23. Horse-radish is the root of the *Roripa armoracia* (L) Hitchcock, either by itself or ground and mixed with vinegar.

24. Mace is the dried arillus of *Myristica fragrans* Houttuyn, and contains not less than twenty (20) nor more than thirty (30) per cent of nonvolatile ether extract, not more than three (3) per cent of total ash, and not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

25. Macassar mace, Papua mace, is the dried arillus of *Myristica argenta* Warb.

26. Bombay mace is the dried arillus of *Myristica malabarica* Lamarek.

27. Marjoram is the leaf, flower and branch of *Majorana majorana* (L) Karst.

28. Mustard seed is the seed of *Sinapis alba* L. (white mustard), *Brassica nigra* (L) Koch (black

mustard), *Brassica nigra* (L) Koch (black mustard), or *Brassica juncea* (L) Cosson (black or brown mustard).

29. Ground mustard is a powder made from mustard seed, with or without the removal of the hulls and a portion of the fixed oil, and contains not more than two and five-tenths (2.5) per cent of starch and not more than eight (8) per cent of total ash.

30. Prepared mustard, German mustard, French mustard, mustard paste, is a paste composed of a mixture of ground mustard seed or mustard flour with salt, spices and vinegar, and; calculated free from water, fat and salt, contains not more than twenty-four (24) per cent of carbohydrates, calculated as starch, determined according to the official methods, not more than twelve per cent of crude fiber, nor less than thirty-five (35) per cent of protein, derived solely from the materials named.

31. Nutmeg is the dried seed of the *Myristica fragrans* Houttuyn, deprived of its testa, with or without a thin coating of lime, and contains not less than twenty-five (25) per cent of non-volatile ether extract, not more than five (5) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

32. Macassar nutmeg, Papua nutmeg, male nutmeg, long nutmeg is the dried seed of *Myristica argentea* Warb. deprived of its testa.

Pepper.

33. Black pepper is the dried immature berry of *Piper nigrum* L. and contains not less than six (6) per cent of non-volatile ether extract, not less than twenty-five (25) per cent of starch, not more than (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber. One hundred parts of the non-volatile ether extract contain not less than three and one quarter (3.25) parts nitrogen. Ground black pepper is the product made by grinding the entire berry, and contains the several parts of the berry in their normal proportions.

34. Long pepper is the dried fruit of *Piper longum* L.

35. White pepper is the dried mature berry of *Piper nigrum* L., from which the outer coating

or the outer and inner coatings have been removed, and contains not less than six (6) per cent of non-volatile ether extract, not less than fifty (50) per cent of starch, not more than four (4) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than five (5) per cent of crude fiber. One hundred parts of the non-volatile ether extract contain not less than four (4) parts of nitrogen.

36. Saffron is the dried stigma of *Crocus sativus* L.

37. Sage is the leaf of *Salvia officinalis* L.

38. Savory, summer savory, is the leaf, blossom and branch of *Satureja hortensis* L.

39. Thyme is the leaf and tip of blooming branches of *Thymus vulgaris* L.

Flavoring Extracts.

1. A flavoring extract is a solution of ethyl alcohol of proper strength of the sapid and odorous principles derived from an aromatic plant, or parts of the plant, with or without its coloring matter, and conforms in name to the plant used in its preparation.

2. Almond extract is the flavoring extract prepared from oil of bitter almonds, free from hydrocyanic acid, and contains not less than one (1) per cent by volume of oil of bitter almonds.

2a. Oil of bitter almonds, commercial, is the volatile oil obtained from the seed of the bitter almond (*Amygdalus communis* L.), the apricot (*Prunus armeniaca* L.), or the peach (*Amygdalus persica* L.)

3. Anise extract is the flavoring extract prepared from oil of anise, and contains not less than three (3) per cent by volume of oil of anise.

3a. Oil of anise is the volatile oil obtained from the anise seed.

4. Celery seed extract is the flavoring extract prepared from celery seed or the oil of celery seed, or both, and contains not less than three-tenths (0.3) per cent by volume of oil of celery seed.

4a. Oil of celery seed is the volatile oil obtained from celery seed.

5. Cassia extract is the flavoring extract prepared from oil of cassia and contains not less than two (2) per cent by volume of oil of cassia.

5a. Oil of cassia is the lead-free volatile oil obtained from the leaves or bark of *Cinnamomum*

cassia Bl., and contains not less than seventy-five (75) per cent by weight of cinnamic aldehyde.

6. Cinnamon extract is the flavoring extract prepared from oil of cinnamon, and contains not less than two (2) per cent by volume of oil of cinnamon.

6a. Oil of cinnamon is the lead-free volatile oil obtained from the bark of the Ceylon cinnamon. (*Cinnamomum zeylanicum* Breyne), and contains not less than sixty-five (65) per cent by weight of cinnamic aldehyde, and not more than ten (10) per cent by weight of eugenol.

7. Clove extract is the flavoring extract prepared from oil of cloves, and contains not less than two (2) per cent by volume of oil of cloves.

a. The flavoring extracts herein described are intended solely for food purposes and are not to be confounded with similar preparations described in the Pharmacopoeia for medicinal purposes.

7a. Oil of cloves is the lead-free volatile oil obtained from cloves.

8. Ginger extract is the flavoring extract prepared from ginger, and contains in each one hundred (100) cubic centimeters the alcohol-soluble matters from not less than twenty (20) grams of ginger.

9. Lemon extract is the flavoring extract prepared from oil of lemon, or from lemon peel, or both, and contains not less than five (5) per cent by volume of oil of lemon.

9a. Oil of lemon is the volatile oil obtained by expression or alcoholic solution from the fresh peel of the lemon (*Citrus limonum* L.), has an optical rotation (25°C.) of not less than 60° in the 100-millimeter tube, and contains not less than four (4) per cent by weight of citral.

10. Terpeneless extract of lemon is the flavoring extract prepared by shaking oil of lemon with dilute alcohol, or by dissolving terpeneless oil of lemon with dilute alcohol, and contains not less than two-tenths (0.2) per cent by weight of citral derived from oil of lemon.

10a. Terpeneless oil of lemon is oil of lemon from which all of the terpenes have been removed.

11. Nutmeg extract is the flavoring extract prepared from oil of nutmeg, and contains not less than two (2) per cent by volume of oil of nutmeg.

11a. Oil of nutmeg is the volatile oil obtained from nutmegs.

12. Orange extract is the flavoring extract prepared from oil of orange, or from orange peel, or both, and contains not less than five (5) per cent by volume of oil of orange.

12a. Oil of orange is the volatile oil obtained by expression or alcoholic solution from the fresh peel of the orange (*Citrus aurantium* L.) and has an optical rotation (25°C.) of not less than 95° in a 100-millimeter tube.

13. Terpeneless extract of orange is the flavoring extract prepared by shaking oil of orange with dilute alcohol or by dissolving terpeneless oil of orange in dilute alcohol, and corresponds in flavoring strength to orange extract.

13a. Terpeneless oil of orange is oil of orange from which all, or nearly all, of the terpenes have been removed.

14. Peppermint extract in the flavoring extract prepared from oil of peppermint, or from peppermint, or both, and contains not less than three (3) per cent by volume of oil of peppermint.

14a. Peppermint is the leaves and flowering tops of *Mentha piperita* L.

14b. Oil of peppermint is the volatile oil obtained from peppermint, and contains not less than fifty (50) per cent by weight of menthol.

15. Rose extract is the flavoring extract prepared from otto of roses, with or without red rose petals, and contains not less than four-tenths (0.4) per cent by volume of otto of roses.

15a. Otto of roses is the volatile oil obtained from the petals of *Rosa damascena* Mill., *R. centifolia* L., or *R. moschata* Herrm.

16. Savory extract is the flavoring extract prepared from oil of savory, or from savory, or both, and contains not less than thirty-five hundredths (0.35) per cent by volume of oil of savory.

16a. Oil of savory is the volatile oil obtained from savory.

17. Spearmint extract is the flavoring extract prepared from oil of spearmint, or from spearmint, or both, and contains not less than three (3) per cent by volume of oil of spearmint.

17a. Spearmint is the leaves and flowering tops of *Mentha spicata* L.

17b. Oil of spearmint is the volatile oil obtained from spearmint.

18. Star anise extract is the flavoring extract

prepared from oil of star anise, and contains not less than three (3) per cent by volume of oil of star anise.

18a. Oil of star anise is the volatile oil distilled from the fruit of the star anise (*illicium verum* Hook).

19a. Sweet basil, basil, is the leaves and tops of *Ocimum basilicum* L.

19. Sweet basil extract is the flavoring extract prepared from oil of sweet basil, or from sweet basil, or both, and contains not less than one-tenth (0.1) per cent by volume of oil of sweet basil.

19b. Oil of sweet basil is the volatile oil obtained from basil.

20. Sweet marjoram extract, marjoram extract, is the flavoring extract prepared from the oil of marjoram, or from marjoram, or both, and contains not less than one (1) per cent by volume of oil of marjoram.

20a. Oil of marjoram is the volatile oil obtained from marjoram.

21. Thyme extract is the flavoring extract prepared from oil of thyme, or from thyme, or both, and contains not less than two-tenths (0.2) per cent by volume of oil of thyme.

21a. Oil of thyme is the volatile oil obtained from thyme.

22. Tonka extract is the flavoring extract prepared from tonka bean, with or without sugar or glycerin, and contains not less than one-tenth (0.1) per cent by weight of coumarin extracted from the tonka bean, together with a corresponding proportion of the other soluble matters thereof.

22a. Tonka bean is the seed of *Coumarouna odorata* Aublet (*Dipteryx odorata* Aubl. Willd.)

23. Vanilla extract is the flavoring extract prepared from vanilla bean, with or without sugar or glycerin, and contains in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of the vanilla bean.

23a. Vanilla bean is the dried, cured fruit of *Vanilla planifolia* Andrews.

24. Wintergreen extract is the flavoring extract prepared from oil of wintergreen, and contains not less than three (3) per cent by volume of oil of wintergreen.

24a. Oil of wintergreen is the volatile oil distilled from the leaves of the *Gaultheria procumbens* L.

C. Edible Vegetable Oils and Fats.

1. Olive oil is the oil obtained from the sound, mature fruit of the cultivated olive tree (*Olea europaea* L.) and subjected to the usual refining processes; is free from rancidity; has a refractive index (25°C.) not less than one and forty-six hundred and sixty ten-thousandths (1.4660), and not exceeding one and forty-six hundred and eighty ten-thousandths (1.4680); and an iodine number not less than seventy-nine (79) and not exceeding ninety (90).

2. Virgin olive oil is olive oil obtained from the first pressing of carefully selected, hand-picked olives.

3. Cotton seed oil is the oil obtained from the seeds of cotton plants (*Gossypium hirsutum* L., *G. bardadense* L., or *G. herbaceum* L.) and subjected to the usual refining processes; is free from rancidity; has a refractive index (25°C.), not less than one and forty-seven hundred ten-thousandths (1.4700), and not exceeding one and forty-seven hundred and twenty-five ten-thousandths (1.4725); and an iodine number not less than one hundred and four (104), and not exceeding one hundred and ten (110).

4. "Winter-yellow" cotton-seed oil is expressed cotton-seed oil, from which a portion of the stearin has been separated by chilling and pressure, and has an iodine number not less than one hundred and ten (110), and not exceeding one hundred and sixteen (116).

5. Peanut oil, arachis oil, earthnut oil, is the oil obtained from the peanut (*Arachis hypogaea* L.) and subjected to the usual refining processes; is free from rancidity; has a refractive index (25°C.) not less than one and forty-six hundred and ninety ten-thousandths (1.4690), and not exceeding one and forty-seven hundred and seven ten-thousandths (1.4707); and an iodine number not less than eighty-seven (87) and not exceeding one hundred (100).

6. "Cold-drawn" peanut oil^a is a peanut oil obtained by pressure without heating.

7. Sesame oil, gingili oil, teel oil, is the oil obtained from the seeds of the sesame plants (*Sesamum orientale* L. and *S. radiatum* Schum. and Thonn.), and subjected to the usual refining processes; is free from rancidity; has a refractive index (25°C.), not less than one and forty-seven hundred and four ten-thousandths (1.4704) and not exceeding one and forty-seven hundred and seventeen ten-thousandths (1.4717); and an iodine

number not less than one hundred and three (103), and not exceeding one hundred and twelve (112.)

8. "Cold-drawn" sesame oil* is sesame oil obtained by pressure without heating.

9. Poppy-seed oil* is the oil obtained from the seed of the poppy (*Papaver somniferum* L.) subjected to the usual refining process and free from rancidity.

10. White poppy-seed oil, "cold-drawn" poppy-seed oil,* is poppy-seed oil of the first pressing without heating.

11. Cocoanut oil is the oil obtained from the kernels of the cocoanut (*Cocos nucifera* L.) and subjected to the usual refining processes and free from rancidity.

12. Cochin oil is cocoanut oil prepared in Cochin (Malabar).

13. Ceylon oil is cocoanut oil prepared in Ceylon.

14. Copra oil is cocoanut oil prepared from copra, the dried kernels of the cocoanut.

15. Rape-seed oil, colza oil, is the oil obtained from the seeds of the rape plant, (*Brassica napus* L.) and subjected to the usual refining processes and free from rancidity.

16. "Cold-drawn" rape-seed oil is rape-seed oil obtained by the first pressing without heating.

17. Sunflower oil is the oil obtained from the seeds of the sunflower (*Helianthus annuus* L.) and subjected to the usual refining processes and free from rancidity.

18. "Cold-drawn" sunflower oil is sunflower oil obtained by the first pressing without heating.

19. Maize oil, corn oil, is the oil obtained from the germ of the maize (*Zea mays* L.) and subjected to the usual refining processes and free from rancidity.

20. Cocoa butter, cacao butter, is the fat obtained from roasted, sound cocoa beans, and subjected to the usual refining processes; is free from rancidity; has a refractive index (40°C.) not less than one and forty-five hundred and sixty-six ten-thousandths (1.4566); an iodine number not less than thirty-three (33) and not exceeding thirty-eight (38); and a melting point not lower than 30°C. nor higher than 35°C.

21. Cotton-seed oil stearin is the solid product made by chilling cotton-seed oil and separating

the solid portion by filtration, with or without pressure, and having an iodine number not less than eighty-five (85), not more than one hundred (100).

Tea, Coffee and Cocoa Products.

1. Tea is the leaves and leaf buds of different species of *Thea*, prepared by the usual trade processes of fermenting, drying and firing; meets the provisions of the act of Congress, approved March 2, 1897, and the regulations made in conformity therewith (Treasury Department Circular 16, February 6, 1905); conforms in variety and place of production to the name it bears; and contains not less than four (4) nor more than seven (7) per cent of ash.

Coffee.

1. Coffee is the seed of *Coffea arabica* L. or *Coffea liberica* Bull., freed from all but a small portion of its spermoderm, and conforms in variety and place of production to the name it bears.

2. Roasted coffee, which, by the action of heat, has become brown and developed its characteristic aroma, and contains not less than ten (10) per cent of fat, and not less than three (3) per cent of ash.

Cocoa and Cocoa Products.

1. Cocoa beans are the seeds of the cocoa tree. *Theobroma cacao* L.

2. Cocoa nibs, cracked cocoa, is the roasted broken cocoa bean freed from its shell or husk.

3. Chocolate, plain chocolate, bitter chocolate, chocolate liquor, bitter chocolate coatings, is the solids or plastic mass obtained by grinding cocoa nibs without the removal of fat or other constituents except the germ, and contains not more than three (3) per cent of ash insoluble in water, three and fifty hundredths per cent (3.50) of crude fiber, and nine (9) per cent of starch, and not less than forty-five (45) per cent of cocoa fat.

4. Sweet chocolate, sweet chocolate coatings, is chocolate mixed with sugar (sucrose), with or without the addition of cocoa butter, spices, or other flavoring materials, and contains in the sugar and fat-free residue no higher percentage of either ash, fiber, or starch than is found in the sugar and fat-free residue of chocolate.

5. Cocoa, powdered cocoa, is cocoa nibs, with or without the germ, deprived of a portion of its fat and finely pulverized and contains percentages

of ash, crude fiber, and starch corresponding to those in chocolate after correction for fat removed.

6. Sweet cocoa, sweetened cocoa, is cocoa mixed with sugar (sucrose) and contains not more than sixty (60) per cent of sugar (sucrose), and in the sugar and fat-free residue no higher percentage of either ash, crude fiber, or starch than is found in the sugar and fat-free residue of chocolate.

Beverages.

Fruit Juices—Fresh, Sweet and Fermented.

Fresh Fruit Juices.

1. Fresh fruit juices are the clean unfermented liquid products obtained by the first pressing of fresh, ripe fruits, and correspond in name to the fruits from which they are obtained.

2. Apple juice, apple must, sweet cider, is the fresh fruit juice obtained from apples, the fruit of *Pyrus Malus*, has a specific gravity (15°C.) not less than 1.0425 nor greater than 1.0700; and contains in one hundred (100) cubic centimeters not less than six (6) grams, and not more than twenty (20) grams of total sugars, in terms of reducing sugars, not less than twenty-four (24) centigrams, nor more than sixty (60) centigrams of apple ash, which contains not less than fifty (50) per cent of potassium carbonate.

3. Grape juice, grape must, is the fresh fruit juice obtained from grapes (*Vitis labrusca* Linn., *V. aestivalis* Michx., *V. vinifera* Linn., *V. riparia* Michx., *V. rotundifolia* Michx., and other *Vitis* species), has a specific gravity (15°C) not less than 1.0410 and not exceeding 1.1250; and contains in one hundred (100) cubic centimeters not less than seven (7) grams nor more than twenty-eight (28) grams of total sugars, in terms of reducing sugars, not less than twenty (20) centigrams and not more than fifty-five (55) centigrams of grape ash, and not less than fifteen (15) milligrams nor more than seventy (70) milligrams of phosphoric acid (P.O.).

4. Lemon juice is the fresh fruit juice obtained from lemon, the fruit of *Citrus Limonum* Risso, has a specific gravity (20°C) not less than 1.030 and not greater than 1.040; and contains not less than ten (10) per cent of solids, and not less than seven (7) per cent of citric acid.

5. Pear juice, pear must, sweet perry, is the fresh fruit juice obtained from pears, the fruit of *Pyrus communis* or *P. sinensis*.

2. Sterilized Fruit Juices.

1. Sterilized fruit juices are the products obtained by heating fresh fruit juices at a temperature sufficiently high and for a time sufficiently long to kill all the organisms present, and correspond in name to the fruits from which they are obtained.

3. Concentrated Fruit Juices.

1. Concentrated fruit juices are clean, sound fruit juices from which a considerable portion of the water has been evaporated, and correspond in name to the fruits from which they are obtained.

4. Sweet Fruit Juices, Sweetened Fruit Juices, Fruit Sirups.

1. Sweet fruit juices, sweetened fruit juices, fruit sirups, are the products obtained by adding sugar (sucrose) to fresh fruit juices, and correspond in name to the fruits from which they are obtained.

2. Sterilized fruit sirups are the products obtained by the addition of sugar (sucrose) to fresh fruit juices and heating them at a temperature sufficiently high and for a time sufficiently long to kill all the organisms present, and correspond in name to the fruits from which they are obtained.

5. Fermented Fruit Juices.

9. Cider, hard cider, is the product made by the normal alcoholic fermentation of apple juice, and the usual cellar treatment, and contains not more than seven (7) per cent by volume of alcohol, and, in one hundred (100) cubic centimeters of the cider, not less than two grams (2) nor more than twelve (12) grams of solids, not more than eight (8) grams of sugars, in terms of reducing sugars, and not less than twenty (20) centigrams nor more than forty (40) centigrams of cider ash.

10. Sparkling cider, champagne cider, is cider in which the after part of the fermentation is completed in closed containers, with or without the addition of cider or sugar liquor, and contains, in one hundred (100) cubic centimeters, not less than twenty (20) centigrams of cider ash.

6. Fermented Fruit Juices.

1. Wine is the product made by the normal alcoholic fermentation of the juice of sound ripe grapes, and the usual cellar treatment, and contains

not less than seven (7) nor more than sixteen (16) per cent of alcohol, by volume, and, in one hundred cubic centimeters (20°C.), not more than one-tenth (0.1) gram of sodium chloride nor more than two tenths (0.2) gram of potassium sulphate; and for red wine not more than fourteen hundredths (0.14) gram, and for white not more than twelve hundredths (0.12) gram of volatile acids produced by fermentation and calculated as acetic acid. Red wine is wine containing the red coloring matter of the skins of grapes. White wine is wine made from white grapes or the expressed fresh juice of other grapes.

2. Dry wine is wine in which the fermentation of the sugars is practically complete, and which contains in one hundred (100) cubic centimeters (20°C.), less than one (1) gram of sugars, and for dry red wine not less than sixteen hundredths (0.16) gram of grape ash and not less than one six-tenths (1.6) gram of sugar-free grape solids, and for dry white wine not less than thirteen hundredths (0.13) gram of grape ash and not less than one four-tenths (1.4) grams of sugar-free grape solids.

3. Fortified dry wine is dry wine to which brandy has been added, but which conforms in all other particulars to the standard of dry wine.

4. Sweet wine is wine in which the alcoholic fermentation has been arrested and which contains in one hundred (100) cubic centimeters (20°C.), not less than one (1) gram of sugars, and for sweet red wine not less than sixteen hundredths (0.16) gram of grape ash, and for sweet white wine not less than thirteen hundredths (0.13) gram of grape ash.

5. Fortified sweet wine is sweet wine to which wine spirits have been added. By act of Congress, "sweet wine" used for making fortified sweet wine and "wine spirits" used for such fortification are defined as follows (sec. 43, Act of October 1, 1890, 26 Stat., 567, as amended by section 68, Act of August 27, 1894, 28 Stat. 509, and further amended by act of Congress, approved June 7, 1906):

"That the wine spirits mentioned in section 42 of this act is the product resulting from the distillation of fermented grape juice, to which water may have been added prior to, during, or after the fermentation, for the sole purpose of facilitating the fermentation and economical distillation thereof, and shall be held to include the products from grapes or their residues, commonly known as grape brandy; and the pure sweet wine,

which may be fortified free of tax, as provided in said section, is fermented grape juice only and shall contain no other substance whatever introduced before, at the time of, or after fermentation, except as herein expressly provided; and such sweet wine shall contain not less than four per centum of saccharine matter, which saccharine strength may be determined by testing with Balling's saccharometer or must scale, such sweet wine, after the evaporation of the spirits contained therein, and restoring the sample tested to original volume by addition of water: *Provided*, that the addition of pure boiled or condensed grape must or pure crystallized cane or beet sugar or pure anhydrous sugar to the pure grape juice aforesaid, or the fermented product of such grape juice prior to the fortification provided by this act for the sole purposes of perfecting sweet wine according to commercial standard, or the addition of water in such quantities only as may be necessary in the mechanical operation of grape conveyers, crushers, and pipes leading to fermenting tanks, shall not be excluded by the definition of pure sweet wine aforesaid: *Provided, however*, that the cane or beet sugar, or pure anhydrous sugar, or water, so used shall not in either case be in excess of ten (10) per centum of the weight of the wine to be fortified under this Act; *and provided further*, that the addition of water herein authorized shall be under such regulations and limitations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may from time to time prescribe; but in no case shall such wines to which water has been added be eligible for fortification under the provisions of this Act where the same, after fermentation and before fortification, have an alcoholic strength of less than five per centum of their volume.

6. Sparkling wine is wine in which the after part of the fermentation is completed in the bottle, the sediment being disgorged and its place supplied by wine or sugar liquor, and which contains, in one hundred (100) cubic centimeters (20°C.), not less than twelve hundredths (0.12) gram of grape ash.

7. Modified wine, ameliorated wine, corrected wine, is the product made by the alcoholic fermentation, with the usual cellar treatment, of a mixture of the juice of sound ripe grapes with sugar (sucrose), or a sirup containing not less than sixty-five (65) per cent of sugar (sucrose) and in quantity not

more than enough to raise the alcoholic strength after fermentation to eleven (11) per cent by volume.

8. Raisin wine is the product made by the alcoholic fermentation of an infusion of dried or evaporated grapes, or of a mixture of such infusion or of raisins with grape juice.

b. Malt Liquors.

1. Malt liquor is a beverage made by the alcoholic fermentation of an infusion, in potable water, of barley, malt and hops, with or without unmalted cereals.

2. Beer is a malt liquor produced by bottom fermentation, and contains, in one hundred (100) cubic centimeters, at 20°C., not less than five (5) grams of extractive matters and sixteen one-hundredths (0.16) gram of ash, chiefly potassium phosphate, and not less than two and twenty-five hundredths (2.25) grams of alcohol.

3. Lager beer, stored beer, is beer which has been stored in casks for a period of at least three months, and contains, in one hundred (100) cubic centimeters, at 20°C., not less than five (5) grams of extractive matters and sixteen one-hundredths (0.16) gram of ash, chiefly potassium phosphate, and not less than two and fifty one-hundredths (2.50) grams of alcohol.

4. Malt beer is beer made of an infusion in potable water, of barley, malt and hops, and contains in one hundred (100) cubic centimeters, at 20°C., not less than five (5) grams of extractive matter, nor less than two-tenths (0.2) gram of ash, chiefly potassium phosphate, nor less than two and twenty-five hundredths (2.25) grams of alcohol, nor less than four-tenths (0.4) gram of crude protein (nitrogen X 6.25).

5. Ale is a malt liquor produced by top fermentation, and contains, in one hundred (100) cubic centimeters, at 20°C., not less than two and seventy-five hundredths (2.75) grams of alcohol nor less than five (5) grams of extract.

6. Porter and stout are varieties of ale colored by the addition of highly roasted malt to the infusion.

7. Bourbon whisky is whisky in which Indian corn (maize) is the principal cereal used, and contains not less than two hundred (200), not more than five hundred (500) grams of the secondary products of distillation congeneric with ethyl

alcohol, not less than one hundred (100) nor more than two hundred and fifty (250) grams of fusel oil (higher alcohols as amylic), not more than twenty-five grams (25) of aldehydes, not less than forty (40) nor more than one hundred and fifty (150) grains of ethers (as acetic ether), not less than thirty (30) nor more than eighty-five (85) grams of volatile acids (as acetic) to one hundred (100) liters of proof ethyl alcohol (50 per cent ethyl alcohol by volume).

8. Corn whisky is whisky made exclusively from maize (Indian corn), the starch of which may have been converted into starch by malting or by the action of barley malt, and contains the proportions of the various ingredients specified for bourbon whisky.

9. Blended whisky is a mixture of two or more whiskies, and contains the relative quantities of secondary products to ethyl alcohol of the varieties of whisky forming the blend.

10. Rectified new whisky is new whisky deprived of a part of its secondary volatile products, and contains not less than sixty (60) grams of the secondary products of distillation congeneric with ethyl alcohol, not less than forty (40) grams of fusel oil (higher alcohols as amylic), not more than eight (8) grams of aldehydes, not less than five (5) grams of ethers (as acetic ether), not less than one (1) gram of volatile acids (as acetic) to one hundred (100) liters of proof ethyl alcohol (50 per cent of ethyl alcohol by volume).

11. Rectified whisky is rectified new whisky, stored in wood not less than three (3) years, except where otherwise prescribed by law, and contains not less than one hundred (100) grams of the secondary products of distillation congeneric with ethyl alcohol, not less than fifty (50) grains of fusel oil alcoholic (higher alcohols as amylic), not more than ten (10) grams of aldehydes, not less than twenty (20) grams of ethers (as acetic ether), not less than fifteen (15) grams of volatile acids (as acetic) to one hundred (100) liters of proof ethyl alcohol (50 per cent ethyl alcohol by volume).

12. Scotch new whisky is whisky made in Scotland solely from barley malt in the drying of which over burning peat a smoky or peaty flavor is imparted to the product, and contains not less than one hundred and twenty-five (125) nor more than three hundred and fifty (350) grams of the secondary product of distillation congeneric with

ethyl alcohol, not less than ninety (90) nor more than two hundred and twenty-five (225) grams of fusel oil (higher alcohols as amylic), not more than twenty (20) grams of aldehydes, not less than fifteen (15) nor more than one hundred (100) grams of ethers (as acetic ether), not less than two (2) nor more than twenty-five (25) grams of volatile acids (as acetic) to one hundred (100) liters of proof ethyl alcohol (50 per cent ethyl alcohol by volume).

13. Scotch whisky is Scotch new whisky which has been stored in wood for not less than four years and mixed only with pure water at the time of its preparation for consumption, and contains not less than one hundred and fifty (150) nor more than four hundred and fifty (450) grams of the secondary products of distillation congeneric with ethyl alcohol, not less than one hundred (100) nor more than two hundred and fifty (250) grams of fusel oil (higher alcohols as amylic), not more than twenty-five (25) grams of aldehyde, not less than twenty-five (25) nor more than one hundred and twenty-five (125) grams of ethers (as acetic ether), not less than ten (10) nor more than forty (40) grams of volatile acids (as acetic) to one hundred (100) liters of proof ethyl alcohol (50 per cent ethyl alcohol by volume).

14. Irish new whisky is whisky made in Ireland either from barley malt or malt and unmalted barley or other cereals, and contains not less than one hundred and twenty-five (125) not more than three hundred and fifty (350) grams of the secondary products of distillation congeneric with ethyl alcohol not less than ninety (90) nor more than two hundred and twenty-five (225) grams of fusel oil (higher alcohols as amylic), not more than twenty (20) grains of aldehydes, not less than fifteen (15) nor more than one hundred (100) grams of ethers (as acetic ether), not less than two (2) nor more than twenty-five (25) grams of volatile acids (as acetic) to one hundred (100) liters of proof ethyl alcohol (50 per cent ethyl alcohol by volume).

15. Irish whisky is Irish new whisky which has been stored in wood for not less than four (4) years and mixed only with pure water at the time of its preparation for consumption, and contains not less than one hundred and fifty (150) nor more than four hundred and fifty (450) grams of the secondary products of distillation congeneric with

ethyl alcohol, not less than one hundred (100) nor more than two hundred and fifty (250) grams of fusel oil (higher alcohols as amylic), not more than twenty-five (25) grams of aldehydes, not less than twenty-five (25) nor more than one hundred and twenty-five (125) grams of ethers (as acetic ether), not less than ten (10) nor more than forty (40) grams of volatile acids (as acetic) to one hundred (100) liters of proof ethyl alcohol (50 per cent ethyl alcohol by volume).

16. New rum is distilled spirit made from the fermented juice of the sugar cane, the massecuite made therefrom, molasses from the massecuite or any intermediate product save sugar, and contains not less than one hundred and twenty-five (125) nor more than three hundred and fifty (350) grams of the secondary products of distillation congeneric with ethyl alcohol, not less than sixty (60) nor more than one hundred and fifty (150) grams of fusel oil (higher alcohols as amylic), not more than thirty (30) grams of aldehydes, not less than thirty (30) nor more than one hundred (100) grams of ethers (as acetic ether), not less than twenty (20) nor more than fifty (50) grams of volatile acids (as acetic) to one hundred (100) liters of proof ethyl alcohol (50 per cent ethyl alcohol by volume).

17. Rum is new rum stored not less than four (4) years in wood, and contains not less than one hundred and seventy-five (175) nor more than five hundred (500) grams of the secondary products of distillation congeneric with ethyl alcohol, not less than eighty (80) nor more than two hundred (200) grams of fusel oil (higher alcohols as amylic), not more than forty (40) grams of aldehydes, not less than fifty (50) nor more than one hundred and fifty (150) grams of ethers (as acetic ether), not less than thirty-five (35) nor more than one hundred (100) grams of volatile acids (as acetic) to one hundred (100) liters of proof ethyl alcohol (50 per cent ethyl alcohol by volume).

18. New brandy is a distilled spirit made from sound potable wine, and contains not less than one hundred and twenty-five (125) nor more than three hundred and fifty (350) grams of secondary products of distillation congeneric with ethyl alcohol, not less than seventy (70) nor more than one hundred and fifty (150) grams of fusel oil (higher alcohols as amylic), not more than twenty (20) grams of aldehydes, not less than thirty (30) nor more than one hundred (100) grams of ethers (as acetic ether),

not less than five (5) nor more than twenty (20) grams of volatile acids (as acetic) to one hundred (100) liters of proof ethyl alcohol (50 per cent ethyl alcohol by volume).

19. Brandy is new brandy stored in wood for not less than four (4) years, and contains not less than one hundred and fifty (150) nor more than five hundred grams (500) of the secondary products of distillation congeneric with ethyl alcohol, not less than eighty (80) nor more than two hundred (200) grams of fusel oil (higher alcohols as amylic), not more than thirty (30) grams of aldehydes, not less than thirty-five (35) nor more than one hundred and fifty (150) grams of ethers (as acetic ether), not less than thirty (30) nor more than one hundred (100) grams of volatile acids (as acetic) to one hundred (100) liters of proof ethyl alcohol (50 per cent ethyl alcohol by volume).

20. Cognac is brandy prepared in the departments of the Charente, France, from pure, sound wine produced in those departments.

Spirituous Liquors.

1. Distilled spirit is the distillate obtained from a fermented mash of cereals, molasses, sugars, fruits, or other starch or sugar-bearing substances, and contains all the condensed products of the fermentation volatile at the usual temperature of distillation.

2. Rectified spirit is distilled spirit which at the time of or subsequent to distillation is subjected to a rectifying process by means of which a part of the volatile products of the distillation is separated from the ethyl alcohol therein.

3. Alcohol, cologne spirit, neutral spirit, velvet spirit, or silent spirit, is distilled spirit from which all, or nearly all, its constituents are separated except ethyl alcohol and water, and contains not less than ninety-four and nine-tenths (94.9) per cent (189.8 proof) by volume of ethyl alcohol.

4. New whisky is the distilled spirit from the properly fermented mash of malted cereals or cereals the starch of which has been hydrolyzed by malt, is of an alcoholic strength corresponding to the excise laws of the various countries in which it is made, and contains not less than one hundred and twenty-five (125) nor more than three hundred and fifty (350) grams of the secondary products of distillation congeneric with ethyl alcohol, not less than ninety (90) nor more than two hundred and

twenty-five (225) grams of fusel oil (higher alcohols as amylic), not more than twenty (20) grams of aldehydes, not less than fifteen (15) nor more than one hundred (100) grams of ethers (as acetic ether), not less than two (2) nor more than twenty-five (25) grams of volatile acids (as acetic) to one hundred (100) liters of proof ethyl alcohol (50 per cent ethyl alcohol by volume).

5. Whisky (potable whisky) is new whisky which has been stored in wood for not less than four (4) years and mixed only with pure water at the time of its preparation for consumption, and contains unless otherwise prescribed by law, not less than forty-five (45) per cent of ethyl alcohol by volume, and the relative quantities of secondary products to ethyl alcohol corresponding to the varieties of whisky under six (6) to fifteen (15) inclusive.

6. Rye whisky is whisky in the manufacture of which rye is the principal cereal used, and contains not less than two hundred (200) nor more than five hundred (500) grams of the secondary products of distillation congeneric with ethyl alcohol, not less than one hundred (100) nor more than two hundred and fifty (250) grams of fusel oil (higher alcohols as amylic), not more than twenty-five (25) grams of aldehydes, not less than forty (40) nor more than one hundred and fifty (150) grams of ethers (as acetic ether), not less than thirty (30) nor more than eighty-five (85) grams of volatile acids (as acetic) to one hundred (100) liters of proof ethyl alcohol (50 per cent ethyl alcohol by volume).

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